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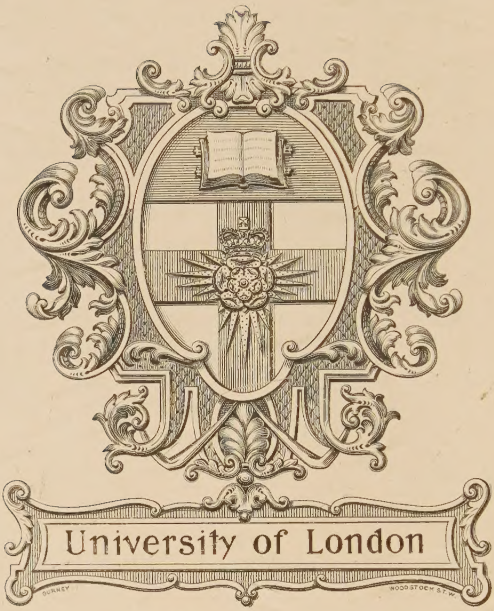
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THE

PARLIAMENTARY DEBATES

(AUTHORISED EDITION),

FOURTH SERIES

SECOND SESSION OF THE TWENTY-EIGHTH PARLIAMENT
OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND

7 EDWARD VII.

VOLUME CLXXX.

COMPRISING THE PERIOD FROM WEDNESDAY, SEVENTH DAY OF AUGUST, 1907, TO FRIDAY, SIXTEENTH DAY OF AUGUST, 1907.

TWELFTH VOLUME OF SESSION.

1907.

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CHRONOLOGY OF "THE PARLIAMENTARY DEBATES."

THE PARLIAMENTARY HISTORY contains all that can be collected of the Legislative History of this country from the Conquest to the close of the XVIIIth Century (1803), 36 vols. The chief sources whence these Debates are derived are the Constitutional History, 24 vols.; Sir Simonds D'Ewes' Journal; Debates of the Commons in 1620 and 1621; Chandler and Timberland's Debates, 22 vols.; Grey's Debates of the Commons, from 1667 to 1694, 10 vols.; Almon's Debates, 24 vols.; Debrett's Debates, 63 vols.; The Hardwicke Papers; Debates in Parliament by Dr. Johnson, &c., &c.

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Vaccination (Scotland) Bill [H.L.].

House in Committee (according to Order).

[The Earl of ONSLOW in the Chair.]

Clause 1:—

Lord Balfour of Burleigh 52

Amendment moved—

"In page 2, line 2, after the word 'post,' to insert the following new subsection: '(3) A registrar shall at any reasonable time allow searches to be made in such record of stutotory declarations, and shall upon demand give a copy under his hand of any entry therein on payment of the fee for a search and a certificate respectively provided by Section 15 of the Vaccination (Scotland) Act, 1863.'"—(*Lord Balfour of Burleigh.*)

On Question, Amendment agreed to.

Remaining clause agreed to. Standing Committee negatived. The Report of the Amendment to be received to-morrow; and Bill to be printed as amended. [No. 161.]

Post Office Sites Bill.—House in Committee (according to Order); The Amendment proposed by the Committee made; Standing Committee negatived; The Report of the Amendment to be received to-morrow .. 53

Probation of Offenders (No. 2) Bill.—House in Committee (according to Order); Amendments made; Standing Committee negatived; The Report of Amendments to be received to-morrow; and Bill to be printed as amended. [No. 162] 53

Released Persons (Poor Law Relief) Bill.—House in Committee (according to Order): Bill reported without Amendment; Standing Committee negatived; and Bill to be read 3ª to-morrow 53

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Public Health (Scotland) Amendment Bill [H.L.].—Read 3^a (according to Order), and passed, and sent to the Commons 53

Married Women's Property Bill.—Read 3^a, with the Amendments, and passed, and returned to the Commons 53

Council of India Bill.—Brought from the Commons. Read 1^a, and to be printed. [No. 159.] 53

Small Shops for Shop Assistants [H.L.].—A Bill to further extend the principle of class legislation by enabling shop assistants to advance in life at the expense of existing shopkeepers and other ratepayers—was presented by the Lord Wemyss (*E. Wemyss*); read 1^a; and to be printed. [No. 160] 54

House adjourned at ten minutes before Eight o'clock, till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS: WEDNESDAY, 7TH AUGUST, 1907.

The House met at a quarter before Three o'clock.

PRIVATE BILL BUSINESS.

Glasgow Corporation Bill [LORDS].—Reported, with Amendments, from the Police and Sanitary Committee; Report to lie upon the Table, and to be printed 54

MESSAGE FROM THE LORDS.—That they have agreed to :—Leeds (South Parade Chapel) Charity Bill; Kingswood (Whitfield Tabernacle, Schoolroom, etc.) Charity Bill; Longton (Caroline Street Chapel) Charity Bill, without Amendment.

Amendments to :—Broadstairs and St. Peter's Urban District Water Bill [Lords]; Western Valleys (Monmouthshire) Sewerage Board Bill [Lords]; Merthyr Tydvil Stipendiary Justice Bill [Lords]; Selsey Water Bill [Lords]; Midland Railway Bill [Lords]; without Amendment 54

PETITIONS.

LAND VALUES (SCOTLAND) BILL.—Petition from Greenock, against; to lie upon the Table 54

LICENSING ACTS.—Petitions from Southwark, for alteration of law; to lie upon the Table 54

SMALL LANDHOLDERS (SCOTLAND) BILL.—Petitions against: From Aberdeen; Kincardine; and, Banff; to lie upon the Table 55

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RETURNS, REPORTS, ETC.

DISEASES OF ANIMALS ACTS.—Copy presented, of Report of Proceedings by the Department of Agriculture and Technical Instruction for Ireland, under the Diseases of Animals Acts, for the year 1906 [by Command]; to lie upon the Table 55

BOARD OF AGRICULTURE AND FISHERIES.—Copy presented, of Report of the Progress of the Ordnance Survey to the 31st March, 1907 [by Command]; to lie upon the Table 55

HISTORICAL MANUSCRIPTS (ROYAL COMMISSION).—Copy presented, of Report on American Manuscripts in the Royal Institution of Great Britain, Vol. III. [by Command]; to lie upon the Table 55

HISTORICAL MANUSCRIPTS (ROYAL COMMISSION).—Copy presented, of Reports on the Manuscripts of J. B. Fortescue, esquire, preserved at Dropmore, Vol. VI. [by Command]; to lie upon the Table 55

POLLING DISTRICTS (COUNTY OF DURHAM).—Copy presented, of Order made by the County Council of Durham altering certain polling districts in the Bishop Auckland Parliamentary Division [by Act]; to lie upon the Table .. 55

POSTAL AGREEMENT (PERU).—Copy presented, of Postal Agreement for the exchange of Postal Parcels between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Peru, dated 23rd February, and 3rd May, 1907 [by Command]; to lie upon the Table.. .. 55

GOVERNMENT LANDS IN BRITISH EAST AFRICA AND UGANDA.—Address for "Return showing, with respect to the Government Lands in British East Africa and Uganda, (1) area sold; (2) sum realised for the same; (3) area leased and average period of lease; (4) rent of the same during each of the five years last passed, distinguishing land sold or leased in the railway strip and at Nairobi from the other Lands leased or sold."—(*Mr. Wedgwood*) .. 55

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

INCREASE OF LOUGH ERNE DRAINAGE RATE.—Question, Mr. Sloan (Belfast, S.); Answer, Mr. Birrell 56

PLAYING OF MILITARY BANDS AT DUBLIN EXHIBITION ON SUNDAYS.—Question, Mr. Sloan; Answer, Mr. Haldane 56

FUNCTIONS AND CONSTITUTION OF THE BOARD OF TRADE.—Question, Sir William Anson (Oxford University); Answer, Mr. Lloyd-George 57

SHEEP DIPPING REGULATIONS.—Question, Mr. Luttrell (Devonshire, Tavistock); Answer, Sir Edward Strachey 57

DELAY IN ERECTION OF CLASS ROOM AT WATERVILLE.—Question, Mr. Boland (Kerry, S.); Answer, Mr. Birrell 58

SALE OF BLACKER-DOUGLAS ESTATE.—Question, Mr. Flavin (Kerry, N.); Answer, Mr. Birrell 58

REMOVAL OF IRISH POLICE STATION BADGES.—Question, Mr. Sloan; Answer, Mr. Birrell 58

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The Exchequer and Audit Department Staff.—Question, Mr. Field (Dublin, St. Patrick); Answer, Mr. Runciman 59

Supposed Transfer of Local Auditor from Cyprus to London.—Question, Mr. Field; Answer, Mr. Runciman 59

Audit of Irish Public Accounts.—Question, Mr. Field; Answer, Mr. Runciman 60

Inspection of Castings for Battleships.—Question, Mr. Courthope (Sussex, Rye); Answer, Mr. Edmund Robertson 60

Loss of British Vessels through Floating Mines.—Question, Mr. Bellairs (Lynn Regis); Answer, Mr. Lloyd-George 62

Pay and Conditions of Irish Lighthouse Keepers.—Question, Mr. MacVeagh (Down, S.); Answer, Mr. Lloyd-George 63

Publication of Return on Condition of the People.—Question, Mr. Essex, (Gloucestershire, Cirencester); Answer, Mr. Lloyd-George 63

Decrease of Indian Opium Exports—Loss of Revenue.—Questions, Mr. Rees Montgomery Boroughs); Answer, Mr. Morley 63

Rights of Jain Community to Parasanath Hill.—Question, Mr. Rees; Answer, Mr. Morley 64

Liability of Militiaman when Training to Support his Wife and Family.—Question, Mr. Idris (Flint Boroughs); Answer, Mr. Haldane 64

Deficiency in Establishment of the Regular Army.—Question, Mr. Ashley (Lancashire, Blackpool); Answer, Mr. Haldane 66

QUESTIONS IN THE HOUSE.

Second Class Royal Naval Reserve.—Question, Mr. Weir (Ross and Cromarty); Answer, The Civil Lord the of Admiralty (Mr. Lambert, Devonshire, South Molton) 67

West India Docks Naval Stores—Wages of Storehouse Assistants.—Question, Mr. T. F. Richards (Wolverhampton, W.); Answer, Mr. Lambert .. 67

Devonport Dockyard Refuse.—Question, Mr. Mildmay (Devonshire, Totnes); Answer, Mr. Lambert 68

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The Home Fleet.—Questions, Mr. Fell, Mr. Bellairs (Lynn Regis); Answers, Mr. Lambert 69

Indian Administration.—Question, Sir Charles Dilke (Gloucestershire, Forest of Dean); Answer, The Secretary of State for India (Mr. Morley, Montrose Burghs) 69

AUSTRALIAN TARIFFS ON BRITISH IMPORTS.—Question, Sir Maurice Levy (Leicestershire, Loughborough); Answer, The Under-Secretary of State for the Colonies (Mr. Churchill, Manchester, N.W.) 70

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RUSSIA AND GREAT BRITAIN.—Question, Mr. T. F. Richards; Answer, The Financial Secretary to the Treasury (Mr. Runciman, Dewsbury) 72

LIVERPOOL LICENCES.—Question, Mr. Charles Roberts (Lincoln); Answer, The Secretary of State for the Home Department (Mr. Gladstone, Leeds, W.) 72

BROOKLANDS MOTOR TRACK—ACCOMMODATION FOR NAVVIES.—Question, Mr. J. Ward (Stoke-on-Trent); Answer, The President of the Local Government Board (Mr. John Burns, Battersea) 73

SUB-POST OFFICE ADMINISTRATION.—Question, Mr. Soames (Norfolk, S.); Answer, Captain Norton (Newington, W.) 74

KENDAL TELEPHONE CHARGES.—Question, Mr. Leif Jones (Westmoreland, Appleby); Answer, Captain Norton 75

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MORTOMLEY CATHOLIC SCHOOL TEACHERS' SALARIES.—Question, Mr. Boland (Kerry, S.); Answer, Mr. McKenna 76

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THE UNITED ARTS CLUB.—Questions, Mr. Charles Roberts (Lincoln), Mr. Leif Jones; Answers, The Attorney-General (Sir John Walton, Leeds, S.) .. 78

HOUSE OF COMMONS KITCHEN ACCOUNTS.—Question, Mr. Morton (Sutherland); Answer, Sir J. A. Jacoby (Derbyshire, Mid.) 79

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SMALL LANDHOLDERS (SCOTLAND) BILL.—Question, Mr. Morton; Answer, Mr. Sinclair 80

SLIGO COUNTY COUNCIL.—Question, Mr. Barrie (Londonderry, N.); Answer, The Attorney-General for Ireland (Mr. Cherry, Liverpool, Exchange) .. 80

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BELFAST POLICEMAN'S PENSION.—Question, Mr. Sloan (Belfast, S.); Answer, Mr. Cherry 83

LABOURERS (IRELAND) ACTS ORDER, 1906.—Question, Mr. Vincent Kennedy (Cavan, W.); Answer, Mr. Cherry 83

BALLINGAH MEDICAL OFFICER.—Question, Mr. Vincent Kennedy; Answer. Mr. Cherry 84

THE DRAINAGE OF THE LOWER BANN.—Question, Mr. J. MacVeagh (Down, S.); Answer, Mr. Cherry 85

WILLIAM GEORGE MOLLOY ESTATE, COUNTY ROSCOMMON.—Question, Mr. James O'Kelly (Roscommon, N.); Answer, Mr. Cherry 85

SLANDER ACTION AGAINST GREENCASTLE CONSTABLE.—Question, Mr. Mooney (Newry); Answer, Mr. Cherry 86

MAYO SCHOLARSHIP DISPUTE.—Questions, Mr. Barrie, Mr. T. L. Corbett, Mr. Murphy (Kerry, E.), Mr. John O'Connor (Kildare, N.); Answers, The Vice President of the Department of Agriculture for Ireland (Mr. T. W. Russell, Tyrone, S.) 87

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LISBURN UNION—REGISTER OF DEATHS.—Question, Mr. MacVeagh; Answer, Mr. Cherry 91

WINTER DAIRYING IN IRELAND.—Question, Mr. Flynn (Cork, N.); Answer, Mr. T. W. Russell 92

CHURCHTOWN (WEXFORD) MAILS.—Question, Mr. Ffrench (Wexford, S.); Answer, Captain Norton 93

LONDON PARLIAMENTARY REGISTERS.—Question, Mr. Soames; Answer, The Prime Minister and First Lord of the Treasury (Sir H. Campbell-Bannerman, Stirling Burghs) 93

CLOSURE RETURN.—Question, Sir A. Acland-Hood (Somersetshire, Wellington); Answer, Sir H. Campbell-Bannerman 93

CARRYING BILLS OVER.—Questions, Sir William Holland (Yorkshire, W.R., Rotherham), Mr. Smeaton (Stirlingshire); Answers, Sir H. Campbell-Bannerman 94

THE BELFAST DISPUTE.—Questions, Mr. Curran (Durham, Jarrow), Mr. T. F. Richards; Answers, Sir H. Campbell-Bannerman 95

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Mr. Bellairs (Lynn Regis) 96
Mr. Dalziel (Kirkcaldy Burghs) 99

NEW MEMBER SWORN.—Albert Stanley, esquire, for the county of Stafford (North-Western Division) 102

POLICE AND SANITARY COMMITTEE.—Special Report brought up, and read; to lie upon the Table, and to be printed. [No. 290] 102

Small Landholders (Scotland) Bill.—As amended (by the Standing Committee), further considered.

Mr. Lambton (Durham, S.E.) 102
Mr. Abel Smith (Hertfordshire, Hertford) 104

Amendment proposed to the Bill—

"In page 6, line 35, to leave out the words, 'Land Court,' and to insert the words 'Agricultural Commissioners.'"—(*Mr. Lambton.*)

Question proposed, "That the words 'Land Court' stand part of the Bill."

The Secretary for Scotland (Mr. Sinclair, Forfarshire) 104
Mr. Walter Long (Dublin, S.) 105
Mr. Munro Ferguson (Leith Burghs) 108
Sir F. Banbury (City of London) 109
Mr. A. J. Balfour (City of London) 110
Mr. Lambton 113
Mr. Sinclair 113

Question put.

The House divided:—Ayes, 222; Noes, 64. (Division List No. 384.)

Mr. Sinclair 117

Amendment proposed to the Bill—

"In page 7, line 1, to leave out from the words 'Commissioners,' to end of line 3, and to insert the words 'after due inquiry what demand for small holdings exists in any district, and after consultation (where practicable) with the landlord or landlords what land (if any) is available to meet that demand, under what conditions such land is cultivated, and what employment it affords.'"—(*Mr. Sinclair.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Walter Long 118

Question put, and negatived.

Question proposed, "That those words be there inserted in the Bill."

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Mr. Walter Long 119

Amendment proposed to the proposed Amendment to the Bill—

"In line 4, after the word 'demand,' to insert the words 'without causing undue displacement of agricultural labourers, or others, presently employed on or about such land.'"—(*Mr. Long.*)

Question proposed, "That those words be there inserted."

Mr. Sinclair 121
Mr. Murray (Aberdeenshire, E.) 122
Mr. A. J. Balfour 123
Mr. McCrae (Edinburgh, E.) 125
Mr. Walter Long 126

Amendment to the Amendment (as amended by the substitution of the words "farm servants" for "agricultural labourers or others") agreed to.

Proposed words, as amended, there inserted in the Bill.

Amendment proposed to the Bill—

"In page 7, line 5, to leave out the word 'new' and to insert the word 'small.'"

Amendment agreed to.

Mr. J. F. Mason (Windsor) 126
Mr. Wyndham (Dover) 127

Amendment proposed to the Bill—

"In page 7, line 14, after the word 'not' to insert the words 'if the same shall have been agreed upon for a specified period.'"—(*Mr. J. F. Mason.*)

Question proposed, "That those words be there inserted."

Mr. Sinclair 127

Question put, and agreed to.

Sir F. Banbury 130
Mr. Abel Smith (Hertfordshire, Hertford) 131

Amendment proposed to the Bill—

"In page 7, line 16, at the end, to insert the words, 'Provided that, if the landholder makes use of the holding for subsidiary or auxiliary occupations not agreed upon at the commencement of the tenancy, the landlord may apply to the Land Court for a readjustment of the rent of the holding, and the Land Court shall, in considering such readjustment of rent, take into account the use to which the holding is put.'"—(*Sir F. Banbury.*)

Question proposed, " That those words be there inserted in the Bill."

The Lord Advocate (*Mr. Thomas Shaw, Hawick Burghs*) 132
Mr. Mitchell-Thomson (*Lanarkshire, N.W.*) 134
The Solicitor-General for Scotland (*Mr. Ure, Linlithgow*) 135
Sir F. Banbury 136
Mr. J. D. White (*Dumbartonshire*) 136
Sir Samuel Scott (*Marylebone, W.*) 136

Question put—

The House divided :—Ayes, 61 ; Noes, 240. (Division List No. 385.)

Sir Henry Craik (*Glasgow and Aberdeen Universities*) 139
Mr. Lane-Fox (*Yorkshire, W.R., Barkston Ash*) 140

Amendment proposed to the Bill—

> " In page 7, line 29, after the word ' prescribe,' to insert the words ' such assistance shall be provided by way of loans either to the landlord or to the landholder, and in the case of loan to the landlord the Commissioners shall be satisfied that the conditions of tenancy are reasonable as to the amount of rent and the estate regulations and that they provide for a period of occupancy sufficient to give reasonable security of tenure.' "—(*Sir Henry Craik.*)

Question proposed, " That those words be there inserted in the Bill."

Mr. Sinclair 141
Mr. Walter Long 143
Mr. Munro Ferguson 144
Sir Henry Craik 145
Mr. Younger (*Ayr Burghs*) 145
Mr. J. F. Mason 146
Mr. Wyndham 146

Question put, and negatived.

Mr. Walter Long 147

Amendment proposed to the Bill—

> " In page 7, line 29, after the word ' prescribed ' to insert the words ' provided that when the Agricultural Commissioners are of opinion that, with a view to or as incidental to the registration of a new holder or holders, assistance should be provided by way of gift, such assistance shall be provided by the Agricultural Commissioners otherwise than by a grant of money to such new holder or holders ; and provided further that a new holder to whom such assistance is provided shall not be entitled, on renunciation of his tenancy or removal from his holding, to compensation in respect of such assistance.' "—(*Mr. Long.*)

Question proposed, " That those words be there inserted in the Bill."

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Mr. J. D. White 149
Mr. Younger 150
Mr. Sinclair 150
Mr. Starkey (Nottinghamshire, Newark) 150
Sir Samuel Scott 151
Mr. Beale (Ayrshire, S.) 152
Mr. Abel Smith 153
Sir F. Banbury 154
Mr. Cochrane (Ayrshire, N.) 155

Question put.

The House divided :—Ayes, 41 ; Noes, 209. (Division List No. 386.)

Sir F. Banbury 159
Viscount Helmsley (Yorkshire, N.R., Thirsk) 162

Amendment proposed to the Bill—

"In page 7, lines 34 and 35, to leave out the words 'to any tenant in respect of the land forming part or the whole of his tenancy,' and to insert the words 'in respect of the land to be occupied by a new holder, or new holders, or of any farm, including the farm buildings, of which such land forms part or the whole."—(*Sir F. Banbury.*)

Question proposed "That the words 'to any tenant in respect of' stand part of the Bill."

Mr. Ure 163
Mr. Courthope (Sussex, Rye) 164

Amendment, by leave, withdrawn.

Amendment proposed to the Bill—

"In page 7, lines 34 and 35, to leave out the words 'of the land forming,' and insert the words 'that the land forms.'"—(*Mr. Ure.*)

Amendment agreed to.

Mr. Mitchell-Thomson 164
Sir Henry Craik 165

Amendment proposed to the Bill—

"In page 7, line 36, after the word 'agreed,' to insert the words 'and when new holdings are constituted otherwise than by agreement the landlord shall be entitled to receive from the Agricultural Commissioners the rent due in respect of the land so taken in the event of the landholder or landholders becoming bankrupt or being otherwise unable to pay such rent.'"—(*Mr. Mitchell-Thomson.*)

Question proposed, "That those words be there inserted in the Bill."

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Mr. Ure 165
Sir F. Banbury 166
Viscount Helmsley 166
Mr. Ure 168
Mr. Walter Long 168
The Prime Minister and First Lord of the Treasury (Sir H. Campbell-Bannerman, Stirling Burghs) 170
Mr. Courthope 171

Amendment, by leave, withdrawn.

Mr. Walter Long 171

Amendment proposed to the Bill—

"In page 8, line 6, after the word 'for' to insert the words 'the compulsory purchase of such land or part thereof as is necessary for.'" —(*Mr. Walter Long.*)

Question proposed, "That those words be there inserted in the Bill."

Mr. Ure 173
Mr. A. J. Balfour 174
Mr. Molteno (Dumfriesshire) 176

Question put.

The House divided :—Ayes, 80 ; Noes, 269. (Division List No. 387.)

And, it being after half-past Ten of the clock, Mr. SPEAKER proceeded, pursuant to the Order of the House of the 5th August, successively to put forthwith the Question on any Amendments moved by the Government, of which notice had been given.

Amendments proposed—

"In page 8, line 17, at end to insert the words 'one or more.'"

"In page 8, line 24, at end, to insert the words 'making the scheme effective and of.'"

"In page 8, line 31, to leave out the words 'of the land forming,' and to insert the words 'that the land forms.'"

"In page 8, line 39, to leave out from the word 'order,' to the word 'the,' in line 40, and to insert the words 'under section eleven of.'"

"In page 9, line 4, at end, to insert the words 'one or more.'"

"In page 9, line 7, after the word 'required,' to insert the words 'due compensation to such amount as may be agreed or, as in case of dispute, may be determined by the Land Court being made for surface damage.'"

"In page 10, line 29, to leave out the words 'as if he were the lawful assignee.'"

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"In page 11, line 2, after the word 'to,' to insert the words 'or in modification of.'"

"In page 11, line 4, after the word 'shall,' to insert the words 'by himself or his family.'"

"In page 11, line 8, at end, to insert the words 'and not inconsistent with cultivation of the holding.'"

"In page 11, line 40, after the word 'nuisance,' to insert the words 'or the provision of a water supply.'"

"In page 12, line 31, after the word 'of,' to insert the words 'resumption by a landlord, or in the case of an existing yearly tenant or.'"

"In page 12, line 33, to leave out the words 'termination of the lease,' and to insert the words 'date of resumption or date when such tenant or leaseholder becomes a landholder, as the case may be.'"

"In page 12, line 36, to leave out the words 'the landlord or the leaseholder,' and to insert the words 'any party interested.'"

"In page 12, line 37, at beginning, to insert the words 'The procedure in connection with.'"

"In page 12, line 38, to leave out the words 'dealt with as shall,' and to insert 'regulated as may.'"—(*Mr. Sinclair.*)

Amendments agreed to.

Bill, as amended (by the Standing Committee), to be further considered To-morrow.

London Electric Supply Bill.—Order for Second Reading read.

Mr. F. Leverton Harris (*Tower Hamlets, Stepney*) 182

Motion made, and Question proposed, "That the Order for the Second Reading of the Bill be discharged, and the Bill withdrawn."—(*Mr. Leverton Harris.*)

The President of the Board of Trade (*Mr. Lloyd-George, Carnarvon Boroughs*) 186
Mr. J. Ward (*Stoke-on-Trent*) 186
Lord R. Cecil (*Marylebone, E.*) 187

Question put, and agreed to.

Order discharged, and Bill withdrawn.

Caledonian Railway Order Confirmation Bill. (By Order).—Order for consideration read.

Motion made, and Question proposed, "That the Bill be now considered."

Mr. Wardle (*Stockport*) 189

Amendment proposed—

"To leave out the word 'now,' and at the end of the Question add the words 'this day three months.'"—(*Mr. Wardle.*)

Question proposed, "That the word 'now,' stand part of the Question."

The Parliamentary Secretary to the Board of Trade (*Mr. Kearley, Devonport*) 190
Mr. Smeaton (*Stirlingshire*) 191
Mr. Morton (*Sutherland*) 193
Mr. C. E. Price (*Edinburgh, Central*) 195
Mr. Kearley 196

Amendment, by leave, withdrawn.

Bill considered; to be read the third time to-morrow (Thursday).

Employers' Liability (Insurance Companies) Bill.—Order for the Second Reading read.

Mr. Kearley 197

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. Akers-Douglas (*Kent, St. Augustine's*) 199
Mr. Lupton (*Lincolnshire, Sleaford*) 200

Bill read a second time, and committed to a Standing Committee.

Isle of Man (Customs) Bill.—Order for the Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. Harold Cox (*Preston*) 201

Amendment moved—

"To leave out all after the word 'that' and insert 'it is undesirable to proceed urther with a measure affecting the revenues of the Isle of Man which makes no provision for a further contribution from those revenues towards the cost of defending the Empire.'"—(*Mr. Harold Cox.*)

Question proposed, "That the word 'now' stand part of the Question."

The Financial Secretary to the Treasury (*Mr. Runciman, Dewsbury*) 202

Amendment, by leave, withdrawn.

Bill read a second time.

Bill committed to a Committee of the Whole House.—(*Mr. Runciman.*)

State Reformatories Bill.—Order for Second Reading read, and discharged

Bill withdrawn 203

Cabs and Stage Carriages (London) Bill—Order for the Second Reading read.

Mr. Akers-Douglas (Kent, St. Augustine's) 203
The Secretary of State for the Home Department (Mr. Gladstone, Leeds, W.) 206
Sir F. Banbury 210
Sir Samuel Scott 214
Mr. Rees (Montgomery Boroughs) 216
Mr. John O'Connor (Kildare, N.) 217
Mr. Lambton 219
Mr. Bowles (Lambeth, Norwood) 219
Lord Balcarres (Lancashire, Chorley) 220

Bill read a second time, and committed to a Standing Committee.

Whereupon, Mr. SPEAKER, pursuant to the Order of the House of the 26th day of July last, adjourned the House without Question put.
Adjourned at twenty-six minutes after One o'clock.

HOUSE OF LORDS: THURSDAY, 8TH AUGUST, 1907.

PRIVATE BILL BUSINESS.

North Staffordshire Railway Bill.—The King's consent signified; and Bill reported from the Select Committee, with Amendments 221

London County Council (Tramways and Improvements) Bill.—Read 3ª, with the Amendments; a further Amendment made; Bill passed, and returned to the Commons 221

Paisley Corporation Order Confirmation Bill.—Read 3ª (according to Order), and passed 221

PETITIONS.

BUTTER AND MARGARINE BILL.—Petitions to be heard by Counsel for amendment of; of the Exeter Grocers' and Provision Dealers' Association; The Grocers' Association of Mullingar, Ireland; The Caerphilly and District Grocers' Association, comprising fifty members of the Trade; The Llandudno and District Grocers' Association; The Tynemouth and District Grocers' Association; read, and ordered to lie on the Table .. 221

MERCHANT SHIPPING (TONNAGE DEDUCTION FOR PROPELLING POWER) BILL.—Petitions to be heard by Counsel against; of Newport Harbour Commissioners; and Port Talbot Railway and Docks Company; read, and ordered to lie on the Table 221

RETURNS, REPORTS, ETC.

COLONIES: ANNUAL.

No. 534. Gold Coast (Report for 1906). 221

Board of Agriculture and Fisheries.—Annual Report of proceedings under the Salmon and Freshwater Fisheries Act, etc., etc., for the year 1906 .. 221

Post Office (Peru).—Agreement between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Peru, dated 22nd February, 1907, 3rd May, 1907 222

Aliens Act, 1905.—Returns of alien passengers brought to the United Kingdom from ports in Europe or within the Mediterranean Sea during the three months ended 30th June, 1907; together with the number of expulsion orders made during that period requiring aliens to leave the United Kingdom 222

Meteorology.—Second Annual Report of the Meteorological Committee to the Lords Commissioners of His Majesty's Treasury, for the year ended 31st March, 1907 222

Trade Reports: Annual Series.—No. 3888. Mexico. Presented (by Command), and ordered to lie on the Table 222

County Courts.—County Court Rules, 1907 222

Pharmacy (Ireland) Acts, 1875 and 1890.—Order in Council, dated 6th August, 1907, approving of a regulation made by the Pharmaceutical Society of Ireland. Laid before the House (pursuant to Act), and ordered to lie on the Table 222

Divorce Bills.—Return respecting; laid before the House (pursuant to Order of 16th July, last), and to be printed. (No. 163) 222

Post Office Sites Bill.—Amendment reported (according to order), and Bill to be read 3ª To-morrow 222

Evidence (Colonial Statutes) Bill.

The Secretary of State for the Colonies (*The Earl of Elgin*) 222

Moved, "That the Bill be now read 2ª."—(*The Earl of Elgin.*)

The Earl of Halsbury 224
Lord Alverstone 224

On Question, Motion agreed to. Bill read 2ª, and committed to a Committee of the Whole House on Monday next.

Butter and Margarine Bill.

House in Committee (according to order).

[The Earl of Onslow in the Chair.]

Clause 1:—

Drafting Amendments agreed to.

Clause, as amended, agreed to.

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Clause 2 :—

The President of the Board of Agriculture and Fisheries (*Earl Carrington*) 225

Amendment moved—

> "In page 2, line 13, after the word 'Fisheries' to insert the words 'or of the Local Government Board.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4 :—

Lord Balfour of Burleigh 225
Earl Carrington 225
Lord Balfour of Burleigh 226

Clause 4 agreed to.

Clause 5 :—

Earl Carrington 226

Amendment moved—

> "In page 3, line 36, after the word 'purpose' to insert the following new paragraph :—'(j) Butter, margarine, or milk-blended butter, which contains a preservative prohibited by any regulation made under this Act or an amount of a preservative in excess of the limit allowed by any such regulation.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 :—

Earl Carrington 227

Amendment moved—

> "In page 4, line 32, to leave out the words 'curd in samples' and to insert the words 'any milk-blended solid other than milk-fat in any sample.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

Amendment moved—

> "In line 33, to leave out from the word 'butter' to the end of the clause."—(*Earl Carrington.*)

On Question, Amendment agreed to.

Clause 6, as amended, agreed to.

After Clause 6 :—

Earl Carrington 227

Amendment moved—

"After Clause 6 to insert the following new clause :—'(1) The Local Government Board may, after such inquiry as they deem necessary, make regulations for prohibiting the use as a preservative of any substance specified in such regulations in the manufacture or preparation for sale of butter, margarine, or milk-blended butter, or for limiting the extent to which, either generally or as regards any particular substance or substances, preservatives may be used in the manufacture or preparation for sale of butter, margarine, or milk-blended butter; (2) Any regulations made under this section shall be notified in the London, Edinburgh, or Dublin *Gazette* as the case may require, and shall also be made known in such other manner as the Local Government Board may direct; (3) Any person who manufactures, sells, or exposes or offers for sale, or has in his possession for the purpose of sale, any butter, margarine, or milk-blended butter which contains a preservative prohibited by a regulation under this section or an amount of a preservative in excess of the limit allowed by any such regulation, shall be guilty of an offence under this Act.' "—(*Earl Carrington*)

New clause agreed to.

Clause 7 :—

Earl Carrington 228

Amendment moved—

"In page 5, line 7, after the word 'margarine' to insert the words 'or on any package containing margarine or on any label attached to a parcel of margarine.' "—(*Earl Carrington.*)

On Question, Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8 agreed to.

Clause 9 :—

Earl Carrington 228

Amendment moved—

"In page 6, lines 2 and 3, to leave out 'used as a description of, or in connection with milk-blended butter,' and insert 'approved as a name under which milk-blended butter may be imported or dealt with.' "—(*Earl Carrington.*)

On Question, Amendment agreed to.

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Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11 :—

The Earl of Camperdown 229

Amendment moved—

"In page 6, line 19, at the beginning of the clause, to insert 'except in the administrative county of London.' "—(*The Earl of Camperdown.*)

Lord Cheylesmore 231
Earl Carrington 231
The Earl of Camperdown 232

On Question, whether the words "except in the administrative county of London" should be there inserted, their Lordships divided :—Contents, 58 ; Not-Contents, 28.

Clause 11, as amended, agreed to..

Clauses 12 and 13 agreed to.

Standing Committee negatived. The Report of Amendments to be received To-morrow ; and Bill to be printed as amended. (No. 164.)

Merchant Shipping Acts Amendment Bill [H.L.].—Order of the Day for Reading read.

Moved, "That the Bill be now read 3ª."—(*Lord Ampthill.*)

The Earl of Granard 234

On Question, Bill read 3a, and passed and sent to the Commons.

Criminal Appeal Bill.—Order of the Day read for House to be put in Committee.

Moved, "That the House do resolve itself into the said Committee."—(*The Lord Chancellor.*)

The Earl of Halsbury 235
The Lord Chancellor (Lord Loreburn) 237

On Question, Motion agreed to.

House in Committee.

Clause 1 :—

The Earl of Halsbury 328

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Amendment moved—

"In page 1, line 9, to leave out 'Lord Chief Justice' and insert 'Lord Chancellor.'"—(*The Earl of Halsbury.*)

The Lord Chancellor 239

Amendment agreed to.

The Earl of Halsbury 240

Amendment moved—

"In page 1, line 14, to leave out the words 'Lord Chief Justice' and insert the words 'Lord Chancellor.'"—(*The Earl of Halsbury.*)

The Lord Chancellor 240
Lord Alverstone 241

Amendment moved—

"In page 1, line 23, to leave out the words 'such member of the Court as the Lord Chief Justice directs' and to insert the words 'the senior member of the Court present.'"—(*Lord Alverstone*).

On Question, Amendment agreed to.

Clause 1, as amended, agreed to.

Clause 2 agreed to.

Clause 3 :—

The Earl of Halsbury 242

Amendment moved—

"In page 3, line 6, after the word 'appeal' to insert the words, 'and upon the certificate of the Judge who tried him that it is a fit case for appeal.'"—(*The Earl of Halsbury*).

The Lord Chancellor 244
Lord Alverstone 246
The Lord Chancellor 249
The Earl of Halsbury 252
Lord Ashbourne 253
Lord Collins 257
Lord Coleridge 258
Lord Hemphill 261

On Question whether the words "and upon the certificate of the Judge who tried him that it is a fit case for appeal" be there inserted, their Lordships divided :—Contents, 54 ; Non-Contents, 32.

The Earl of Halsbury 263

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Amendment moved—

"In page 3, line 13, to leave out from the word 'law' to the end of the clause."—(*The Earl of Halsbury*).

The Lord Chancellor 263
Lord Alverstone 264
The Lord Chancellor 265
Lord Ashbourne 266

On Question, Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4 :—

The Lord Chancellor 266

Amendment moved—

"In page 3, line 22, to leave out from the word 'on' to the word 'or' in line 24, and to insert the words 'the ground that it is unreasonable or cannot be supported, having regard to the evidence.'"

"In line 27, to leave out the words 'or fact or of mixed law and fact,' and insert the words 'or that on any ground there was a miscarriage of justice.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Amendment moved—

"In page 4, line 1, after the word 'sentence' to insert the words 'warranted in law by the verdict.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Clause 4, as amended. agreed to.

Clause 5 :—

Amendment moved—

"In page 4, line 9, after the word 'proper' to insert the words 'and as may be warranted in law by the verdict on the count or part of the indictment on which the Court consider that the appellant has been properly convicted.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Further drafting Amendments agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

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Clause 7 :—

The Lord Chancellor 268

Amendment moved—

"In page 5, line 28, after the word 'conviction' to insert the words 'such rules shall enable any convicted person to present his case and his argument in writing instead of by oral argument if he so desires. Any case or argument so presented shall be considered by the Court.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8 agreed to.

Clause 9 :—

The Lord Chancellor 268

Amendment moved—

"In page 7, line 14, to leave out subsection (*f*.) In line 19, after the word 'Court' to insert the words 'provided that in no case shall any sentence be increased by reason of or in consideration of any evidence that was not given at the trial.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10 agreed to.

Clause 11 to 14 agreed to.

Clause 15 :—

Lord Alverstone 269
The Lord Chancellor 269

Clause 15 agreed to.

Clause 16 :—

Amendment moved—

"In page 10, line 29, to leave out the word 'required' and insert the words 'directed to be made by the registrar."—(*The Lord Chancellor.*)

Amendment agreed to.

Clause 16, as amended, agreed to.

Clause 17 agreed to.

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Clause 18 :—

The Lord Chancellor 270

Clause 18 agreed to.

Remaining clauses agreed to.

Standing Committee negatived. The Report of Amendments to be received on Monday next, and Bill to be printed as amended. (No. 165.)

Fatal Accidents (Damages) Bill [H.L.].

House in Committee (according to Order).

Lord Balfour of Burleigh 271
Lord Courtney of Penwith 271
Lord Alverstone 274
Lord Stanley of Alderley 274
The Lord Chancellor 274

Bill reported without Amendment. Standing Committee negatived; and Bill to be read 3ª to-morrow.

Salmon and Fresh water Fisheries Bill [H.L.].—Commons' Amendments considered (according to Order).

Earl Carrington 275

Moved, "That the Commons' Amendments be agreed to."—(*Earl Carrington.*)

Lord Newton 276

On Question, Motion agreed to.

Public Health Bill—Order of the Day for the Second Reading read.

Lord Allendale 277

Moved, "That the Bill be now read 2ª."—(*Lord Allendale.*)

The Earl of Onslow 279
The Marquess of Lansdowne 280
The Under-Secretary of State for Foreign Affairs (*Lord Fitzmaurice*) .. 281

On Question, Motion agreed to. Bill read 2ª accordingly.

The Earl of Onslow 284

Moved, "That the Bill be referred to a Select Committee."—(*The Earl of Onslow.*)

Lord Allendale 284

On Question, Motion agreed to, and ordered accordingly.

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Finance Bill.—Read 3ª (according to Order), and passed 285

Vaccination Bill

House in Committee (according to Order).

Clause 1:—

Lord Balfour of Burleigh 285

Amendment moved—

"In line 11, leave out the words 'either parent or such other person as may be' and insert the word 'be'"—(*Lord Balfour of Burleigh.*

Lord Allendale 287
Viscount St. Aldwyn 287
The Lord President of the Council (*The Earl of Crewe*) 289

On Question, whether the words proposed to be left out should stand part of the clause, their Lordships divided:—Contents, 25; Not-Contents, 30.

Proposed words there inserted.

The Earl of Camperdown 291

Amendment moved—

"In page 1, line 15, after the word 'district' to insert the words, 'Every vaccination officer to whom any statutory declaration shall be delivered under this Act, shall enter a minute of such declaration in a book to be kept by him for that purpose, and shall at all reasonable times allow searches to be made in such book, and upon demand give a copy under his hand of any entry therein on payment of a fee of sixpense for each search, and threepence for each copy, and shall be entitled in respect of each such entry to receive from the guardians the same sum as would be payable to him in respect of the registration of the successful vaccination of the child to whom such entry relates.'"—(*The Earl of Camperdown.*)

Lord Allendale 291
Lord Balfour of Burleigh 293
The Earl of Camperdown 293
The Earl of Crewe 294

Amendment, by leave, withdrawn.

Bill, as amended, reported.

Vaccination (Scotland) Bill [H.L.].—Amendment reported (according to Order), and Bill to be read 3ª to-morrow 294

Probation of Offenders (No. 2) Bill.—Amendments reported (according to Order); and Bill to be read 3ª To-morrow 294

Released Persons (Poor Law Relief) Bill—Read 3ª (according to Order), and passed 294

NATIONAL PORTRAIT GALLERY—RISK OF FIRE.

Lord Glantawe 294
The Under-Secretary of State for War (The Earl of Portsmouth) .. 294
Lord Weardale 295
Lord Allendale 296
Earl of Donoughmore 296

House adjourned at half-past Eight o'clock till To-morrow, Twelve o'clock.

HOUSE OF COMMONS: THURSDAY, 8TH AUGUST, 1907.

The House met at a quarter before Three of the Clock.

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Llandrindod Wells Gas Bill; London County Council (Money) Bill.—Lords Amendments considered, and agreed to 297

National Trust for Places of Historic Interest or Natural Beauty Bill [LORDS].—Read the third time, and passed, with Amendments .. 297

Kilmarnock Corporation Water Order Confirmation Bill.—"To confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1899, relating to Kilmarnock Corporation Water," presented by Mr. Sinclair, and ordered, under Section 7 of the Act, to be considered upon Monday next 297

MESSAGE FROM THE LORDS.—That they have agreed to: Finance Bill, without Amendment: Married Women's Property Bill; Leith Burgh Order Confirmation Bill, with Amendments.

Amendments to:—Birkenhead Corporation Water Bill [Lords], without Amendment.

That they have passed a Bill, intituled, "An Act to amend Sections 57, 58, and 59 of The Public Health (Scotland) Act, 1897, relating to the prevention of infectious diseases." [Public Health (Scotland) Amendment Bill [Lords] 297

Leith Burgh Order Confirmation Bill.—Lords' Amendments to be considered to-morrow, and to be printed. [Bill 308] 298

PETITIONS.

MARRIAGE WITH DECEASED WIFE'S SISTER BILL.—Petition from Newferry, against; to lie upon the Table 298

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Pharmacy (Ireland) Acts, 1875 to 1890.—Copy presented, of Order in Council, dated 6th of August, 1907, approving of a Regulation made by the Pharmaceutical Society of Ireland [by Act]; to lie upon the Table 298

Aliens Act, 1905.—Copy presented, of Return of Alien Passengers brought to the United Kingdom from Ports in Europe or within the Mediterranean Sea during the three months ending 30th June, 1907; together with the number of Expulsion Orders made during that period requiring Aliens to leave the United Kingdom [by Command]; to lie upon the Table 298

Colonial Reports (Annual).—Copy presented, of Colonial Report, No. 534 (Gold Coast, Annual Report, for 1906) [by Command]; to lie upon the Table 298

Board of Agriculture and Fisheries.—Copy presented, of Annual Report of Proceedings under the Salmon and Freshwater Fisheries Acts, etc., for the year 1906 [by Command]; to lie upon the Table 298

Meteorological Committee.—Copy presented, of Second Report of the Meteorological Committee to the Lords' Commissioners of His Majesty's Treasury, for the year ending 31st March, 1907 [by Command]; to lie upon the Table 299

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Princes Risborough Rural Postman.—Question, Mr. O'Grady; Answer, Mr. Sydney Buxton 303

Isle Royale, Lake Superior.—Question, Mr. Leverton Harris (Tower Hamlets, Stepney); Answer, Mr. Churchill 303

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Land Values (Scotland) Bill.—Reported, with Amendments, from the Standing Committee on Scottish Bills.

Report to lie upon the Table, and to be printed. [No. 291.]

Minutes of the Proceedings of the Standing Committee to be printed. [No. 291.]

Bill, as amended (by the Standing Committee), to be taken into consideration To-morrow, and to be printed. [Bill 306] 351

Transvaal Loan [Guarantee].—Committee to consider of authorising the Treasury to guarantee, on the security of the Consolidated Fund, the interest of a loan to be raised by the Colony of the Transvaal, and the principal of any such Loan by means of the guarantee of Sinking Fund payments (King's Recommendation signified), To-morrow.—(*Mr. Chancellor of the Exchequer*) 352

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HOME WORK. Report from the Select Committee, with Minutes of Evidence and an Appendix, brought up, and read [Inquiry not completed].

Report to lie upon the Table, and to be printed. [No. 290.] 252

Small Landholders (Scotland) Bill As amended (by the Standing Committee), further considered.

Mr. Starkey (*Nottinghamshire, Newark*) 352

Mr. Lane-Fox (*Yorks, W.R., Barkston Ash*) 354

Amendment proposed to the Bill—

"In page 13, line 34, to leave out from the word 'landlord,' to the word 'Provided,' in page 14, line 3, and to insert the words 'may let the holding to a neighbouring landholder for the enlargement of his holding or to a new holder, but the landlord, if he fails to do so, shall intimate such failure to the Agricultural Commissioners who may, on repaying to the landlord any sum paid by him to the outgoing landholder, let the holding to a new holder at the former fair rent or occupy the holding themselves on the same terms and conditions. In default of notice from the Agricultural Commissioners of their intention to take either of these courses the landlord shall be entitled to resume the holding for such purposes as he deems best.' "—(*Mr. Starkey.*)

Question proposed, "That the words 'shall forthwith intimate the fact' stand part of the Bill."

The Secretary for Scotland (*Mr. Sinclair, Forfarshire*) 354

Mr. Walter Long (*Dublin, S.*) 356
Mr. Sinclair 358
Mr. Munro Ferguson (*Leith Burghs*) 359
Sir F. Banbury (*City of London*) 360
Mr. Lambton (*Durham, S.E.*) 362
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The Solicitor-General for Scotland (*Mr. Ure, Linlithgowshire*) .. 363
Sir Samuel Scott (*Marylebone, W.*) 364

Question put.

The House divided :—Ayes, 199 ; Noes, 64. (Division List No. 388.)

Amendment proposed to the Bill—

"In page 13, line 35, after the word 'fact,' to insert the words 'in writing.' "—(*Mr. Sinclair.*)

Question, "That those words be there inserted," put, and agreed to.

Amendment proposed to the Bill—

"In page 13, line 39, after the word 'Commissioners,' to insert the words 'to such amount as may be agreed for, as in case of dispute may be determined by the Land Court.' "—(*Mr. Sinclair.*)

Question proposed, "That those words be there inserted."

Sir Henry Craik (Glasgow and Aberdeen Universities) 367

Amendment proposed to the proposed Amendment—

> "To leave out the words 'the Land Court,' and insert the words 'an arbiter appointed under the provisions of The Agricultural Holdings Act, 1906.'"—(*Sir Henry Craik.*)

Question proposed, "That the words 'the Land Court' stand part of the proposed Amendment."

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Mr. Walter Long .. 372
Mr. Munro Ferguson .. 373
Mr. A. Dewar (Edinburgh, S.) .. 375
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Mr. Lambton .. 380
Mr. Molteno (Dumfriesshire) .. 381
Sir Henry Craik .. 381
Mr. Beale (Ayrshire, S.) .. 382
Sir F. Banbury .. 382

Question put.

The House divided :—Ayes, 236 ; Noes, 72. (Division List No. 389.)

Proposed words there inserted in the Bill.

Mr. Munro Ferguson .. 385

Mr. Abel Smith .. 387

Amendment proposed to the Bill—

> "In page 14, line 3, to leave out from the word 'that' to end of Clause 16, and insert the words 'compensation shall be payable to any landlord or occupier for any loss such landlord or occupier may prove to be due to the action of the Land Court or of the Agricultural Commissioners.'"—(*Mr. Munro-Ferguson.*)

Question proposed, "That the words 'where under the provision of the landholders Acts, the holding was' stand part of the clause."

Mr. Ure .. 388
Mr. Munro Ferguson .. 388

Amendment negatived.

Mr. Younger (Ayr Burghs) .. 389
Mr. J. F. Mason (Windsor) .. 389

Amendment proposed to the Bill—

> "In page 14, line 4, to leave out the words 'otherwise than,' and insert the words 'either compulsorily or.'"—(*Mr. Younger.*)

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Question proposed, "That the words proposed to be left out stand part of the Bill."

The Lord Advocate (Mr. Thomas Shaw, Hawick Burghs) 390
Sir Samuel Scott (Marylebone, W.) 391

Question put.

The House divided :—Ayes, 231 ; Noes, 66. (Division List No. 390.)

Mr. Sinclair 393

Amendment proposed to the Bill—

"In page 14, line 9, after the word 'through,' to insert the words 'non-payment of rent in respect of the holding or.' "—(*Mr. Sinclair.*)

Question proposed, "That those words be there inserted."

Mr. Mitchell-Thomson (Lanarkshire, N.W.) 394
Mr. Sinclair 395
Mr. Walter Long 395

Question put, and agreed to.

Amendment proposed to the Bill—

"In page 14, line 11, after the second word 'of,' to insert th words 'or the payment of compensation for.' "—(*Mr. Sinclair.*)

Amendment agreed to.

Mr. Sinclair 396

Amendment proposed—

"In page 14, line 14, at the end, to insert the words 'but nothing in this proviso contained shall apply to the case of a holding ceasing to be held by a landholder by reason of resumption by the landlord or by reason of the sale of the holding to the landholder.' "—(*Mr. Sinclair.*)

Question proposed, "That those words be there inserted."

Mr. Walter Long 396
Mr. Thomas Shaw 397
Mr. Lambton 398
Sir F. Banbury 401
Mr. Sinclair 402
Mr. Cochrane (Ayrshire, N.) 403
Sir Samuel Scott 404

Question put.

The House divided :—Ayes, 209 ; Noes, 41. (Division List No. 391.)

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Mr. Sinclair .. 407

Amendment proposed to the Bill—

"In page 14, line 21, to insert after the word 'that,' the words 'except by agreement with the Agricultural Commissioners.'"—(*Mr. Sinclair.*)

Question proposed "That those words be there inserted."

Question put and agreed to.

Mr. Abel Smith .. 408
Sir F. Banbury .. 409

Amendment proposed to the Bill—

"In page 14, line 21, after the word 'feuing,' to insert the words 'or sale or letting on long lease.'"—(*Mr. Abel Smith.*)

Question proposed, "That those words be there inserted in the Bill."

Mr. Ure .. 410
Mr. Cochrane .. 410
Mr. Abel Smith .. 411
Mr. Mitchell-Thomson .. 412
Mr. Ure .. 412

Question put, and negatived.

Sir Henry Craik .. 413
Sir F. Banbury .. 414

Amendment proposed to the Bill—

"In page 14, line 28, to leave out the words 'for the general development of the estate.'"—(*Sir Henry Craik.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Ure .. 415

Question put and negatived.

Viscount Helmsley (*Yorkshire, N.R., Thirsk*) .. 416

Amendment proposed to the Bill—

"In page 14, line 28, after the word 'estate,' to insert the words 'or mining or quarrying or other purposes connected therewith.'" (*Viscount Helmsley.*)

Question proposed, "That those words be there inserted."

Amendment, by leave, withdrawn.

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Amendment proposed—

"In page 14, line 28, to leave out the word 'shall,' and to insert the words 'or the occupation of a holding, being his only landed estate, by a landlord for the purpose of personally residing thereon, shall respectively.'"—(*Mr. Ure.*)

Question proposed, "That those words be there inserted."

Mr. Cochrane 417
Viscount Helmsley 418

Question put, and agreed to.

Mr. J. F. Mason 418
Mr. Munro Ferguson 419

Amendment proposed to the Bill—

"In page 14, line 30, to leave out Clause 19."—(*Mr. J. F. Mason.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Ure 419
Viscount Helmsley 420
Mr. Cochrane 420

Question put.

The House divided:—Ayes, 237; Noes, 54. (Division List No. 392.)

Amendment proposed to the Bill—

"In page 14, line 33, at end, to insert the words 'and shall be read and construed accordingly with the necessary modifications.'"—(*Mr. Sinclair.*)

Question, "That those words be there inserted," put, and agreed to.

Mr. Cochrane 423

Amendment proposed—

"In page 15, line 27, to omit Clause 21."—(*Mr. Cochrane.*)

Question proposed, "That the words of the clause down to the word 'may,' in page 15, line 36, stand part of the Bill."

Mr. Sinclair 425
Sir Henry Craik 426
Viscount Helmsley 426
Mr. Sinclair 427

Question put.

The House divided :—Ayes, 258 ; Noes, 65. (Division List No. 393.)

And, it being half-past Ten of the clock, Mr. SPEAKER proceeded, pursuant to the Order of the House of 5th August, successively to put forthwith the Question upon any Amendments moved by the Government, of which notice had been given.

Amendments proposed—

"In page 15, line 36, after the word 'fit,' to insert the words 'and shall on the request of any party if they consider the request reasonable.'"

"In page 16, line 3, after the word 'case,' to insert the words 'without prejudice to the provision of Section 24 of the Act of 1886.'"

"In page 16, line 13, at beginning, to insert the words 'Three members of the Land Court shall be a quorum : Provided that.'"

"In page 16, line 20, after the word 'Court,' to insert the words 'including where such court of review consists of three members not more than one member who was a party to such order or determination.'"

"In page 16, line 35, to leave out from the word 'holding,' to end of line 36, and to insert, '(3) A person shall not be held an existing yearly tenant or a qualified leaseholder under this Act in respect of.'"

"In page 17, line 1, after the word 'land,' to insert the words '(exclusive of any common pasture or grazing land held or to be held therewith).'"

"In page 17, line 5, at end of line to insert the words 'the home farm of any estate or of.'"

"In page 17, line 8, at end of line to insert the words 'being permanent grass park held for the purposes of a business or calling not primarily agricultural or pastoral, including that of butcher, cattle-dealer, and the like, or.'"

"In page 17, line 23, at end, to add the words, '(4) A person shall not be admissible to registration as a new holder under this Act in respect of any land referred to in Paragraphs (*b*), (*d*), (*e*), (*g*), or (*i*), or, except by agreement, in respect of any land referred to in Paragraphs (*a*), (*c*), (*f*), or (*h*) of the immediately preceding subsection.'"

"In page 17, line 24, to leave out the words 'the immediately preceding subsection,' and to insert the words 'this Act.'"

"In page 17, line 26, after the word 'holding,' to insert the words '(whether by agreement or otherwise in either case).'"

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"In page 17, line 31, to leave out from the word 'leaseholder,' to the first word 'of,' in line 32, and to insert the words 'within the meaning.'"

Amendments agreed to.

Amendment proposed—

"In page 18, line 5, at end, to insert the words, 'The provisions of Section 2 of this Act shall extend to and include joint-tenants being existing crofters, existing yearly tenants, or qualified leaseholders; but not more than one person shall be registered as a new holder in respect of any holding and (without prejudice to the continuance of a joint tenancy through statutory successors) where at any time after the commencement of this Act a holding is held by a single landholder or a holding which has been held in joint tenancy ceases to be so held it shal not be competent for more than one person to be a landholder in respect of such holding.

"Except so far as may be inconsistent with any express provision of this Act the tenancy of a landholder under the Landholders Acts shall, in the case of every existing crofter, be deemed to be in all respects a continuance of his tenancy as a crofter under the Crofters Acts, and all contracts and other deeds and documents shall be read and construed accordingly.'"—(*Mr. Sinclair.*)

Question put, "That the Amendment be made."

The House divided:—Ayes, 255; Noes, 63. (Division List No. 394.)

Amendments proposed—

"In page 19, line 36, to leave out the words 'immediately before' and insert the word 'at.'"

"In the Schedule, page 21, column 3, line 24, to leave out the word 'legatees' and insert the word 'Act.'

"In the Schedule, page 21, column 3, line 26, at end, to insert the words 'section twenty-four from "and it," to end of section.'"—(*Mr. Sinclair.*)

Amendments agreed to.

Bill to be read the third time To-morrow, and to be printed. [Bill 307.]

Renfrewshire Upper District (East Wood and Mearns) Water Bill [Lords] (By Order).—As amended, considered.

Mr. Cleland (*Glasgow, Bridgeton*) 435
Mr. Barnes (*Glasgow, Blackfriars*) 437

Amendment proposed to the Bill—

"In page 6, line 8, at end, to insert the words 'Provided that the annual value of the following lands or premises shall, for the purposes of the domestic water rate to be imposed and levied under this Act, be held to be one-fourth of the annual value thereof entered in the valuation roll, viz. :—(1) All lands and premises used exclusively as a canal or basin of a canal or towing path for the same, or as a railway or tramway, excepting the stations, depots, and buildings which shall be assessable to the same extent as other lands and premises within the limits of supply ; (2) All water works, gas works, electric power or electric supply works, and underground or other pipes of any water company, gas company, electric power or electric supply company, corporation, or commissioners ; and (3) All mines, minerals, and quarries.' "—(*Mr. Cleland.*)

Question proposed, " That those words be there inserted."

Major Seely (*Liverpool, Abercromby*) 438
Mr. Wood (*Glasgow, St. Rollox*) 441
The Chairman of Ways and Means (*Mr. Emmott, Oldham*) 441
Mr. A. C. Corbett (*Glasgow, Tradeston*) 444
Mr. Watt (*Glasgow College*) 445
Mr. J. W. Wilson (*Worcestershire, N.*) 446
Mr. McCrae (*Edinburgh, E.*) 447
Mr. Sinclair 448

Question put.

The House divided :—Ayes, 71 ; Noes, 112. (Division List No. 395.)

Mr. Laidlaw (*Renfrewshire, E.*) 451
Mr. Morton (*Sutherland*) 451

Amendment proposed—

" In page 35, line 33, to leave out the words from the word ' grounds,' to the end of section.' "—(*Mr. Morton.*)

Major Seely 452

Amendment agreed to.

Bill to be read the third time.

Irish Land (No. 2) Bill.—Order for Second Reading read.

Motion made, and Question proposed, " That the Bill be now read a second time."

Mr. Moore (*Armagh, N.*) 452
The Attorney-General for Ireland (*Mr. Cherry, Liverpool-Exchange*) .. 456
Mr. Gordon (*Londonderry, S.*) 459
Mr. Fetherstonhaugh (*Fermanagh, N.*) 462
Mr. T. L. Corbett (*Down, N.*) 465

Question put, and agreed to.

Bill committed to a Committee of the Whole House for To-morrow (Friday).

Companies Bill [Lords].—Order for Second Reading read.

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The President of the Board of Trade (*Mr. Lloyd-George, Carnarvon Boroughs*) 465

Motion made, and Question proposed, " That the Bill be now read a second time."—(*Mr. Lloyd-George.*)

Mr. Fell (*Great Yarmouth*) 466
Mr. Beale (*Ayrshire, N.*) 471
Lord R. Cecil (*Marylebone, E.*) 472
Mr. Cave (*Surrey, Kingston*) 474
Mr. Hills (*Durham*) 475
Mr. Rawlinson (*Cambridge University*) 477

Question put, and agreed to.

Bill committed to a Standing Committee.

Judicature (Ireland) Bill.—Order for Second Reading read

Mr. Moore 477
The Chief Secretary for Ireland (*Mr. Birrell, Bristol, N.*) 478

Motion made, and Question proposed, " That the Bill be now read a second time."

Mr. Moore 479

Question put.

The House divided :—Ayes, 61 ; Noes, 11. (Division List No. 396.)

Bill read a second time.

Bill committed to a Committee of the Whole House for To-morrow (Friday.)

Whereupon Mr. Deputy-Speaker, pursuant to the Order of the House of the 26th day of July last, adjourned the House without Question put.

Adjourned at twenty-five minutes after Two o'clock.

HOUSE OF LORDS : FRIDAY, 9TH AUGUST, 1907.

Commission.—The following Bills received the Royal Assent :—

1. Finance.
2. Matrimonial Causes Acts Amendment.
3. British North America.
4. Employment for Women.
5. Pier and Harbour Provisional Order (No. 1).

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6. Pier and Harbour Provisional Orders (No. 2).
7. Leeds (South Parade Chapel) Charity.
8. Kingswood (Whitfield Tabernacle Schoolroom, etc.) Charity.
9. Longton (Caroline Street Chapel) Charity.
10. Portishead District Water.
11. Collooney, Bellina, and Belmullet Railways and Piers.
12. Lancashire and Yorkshire Railway.
13. Broadstairs and St. Peter's Urban District Water.
14. Western Valleys (Monmouthshire) Sewerage Board.
15. Merthyr Tydfil Stipendiary Justice.
16. Selsey Water.
17. Midland Railway.
18. Birkenhead Corporation Water 485

The Lord O'Neill took the Oath.

PRIVATE BILL BUSINESS.

Aberdeen Corporation Electricity Bill [H.L.].—Commons' Amendments considered, and agreed to 485

Metropolitan Water Board (Charges, Etc.) Bill.—Brought from the Commons, read 1ª, and referred to the Examiners 485

National Trust for Places of Historic Interest or Natural Beauty Bill [H.L.].—Returned from the Commons agreed to, with Amendments. The said Amendments considered, and agreed to 485

Llandrindod Wells Gas Bill; London County Council (Money) Bill.—Returned from the Commons with the Amendments agreed to 486

PETITIONS.

BUTTER AND MARGARINE BILL.—Petitions to be heard by Counsel for Amendment of: of Stalybridge Grocers' and Provision Dealers' Association; Maidstone and District Grocers' Association; Newark and District Grocers' and Provision Dealers' Association; Leith Grocers' and Provision Merchants' Association; Rochdale and District Grocers' and Provision Dealers' Association; Wallasey Grocers' and Provision Dealers' Association; Eastbourne and District Grocers' Association; and Hull Retail Grocers' Association. Read, and ordered to lie on the Table 486

RETURNS, REPORTS, ETC.

NORTHERN NIGERIA.—Correspondence relating to Sokoto, Hadeija, and the Munshi country 486

CHARITABLE DONATIONS AND BEQUESTS (IRELAND).—Sixty-second Annual Report of the Commissioners 486

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QUEEN'S COLLEGE, BELFAST.—Annual Report of the President, for the year 1906–1907 486

TRADE REPORTS: ANNUAL SERIES.

No. 3889. Germany (Hamburg).
No. 3890. Guatemala (Quezaltenango).

Presented (by Command), and ordered to lie on the Table 486

BANKRUPTCY.—Twenty-fourth General Annual Report by the Board of Trade under Section 131 of the Bankruptcy Act, 1883, Laid before the House (pursuant to Act), and ordered to lie on the Table 486

Lights on Vehicles Bill.—Report of the Amendments made in the Committee of the Whole House, and by the Standing Committee, to be received on Monday next 486

Post Office Sites Bill.—Read 3ª, with the Amendment; and passed, and returned to the Commons 487

Evicted Tenants (Ireland) Bill.
House in Committee (according to Order).

(The Earl of ONSLOW in the Chair.)

Clause 1:—

Lord Atkinson 487

Amendment moved—

"In page 1, lines 5 to 13, to leave out Subsection (1), and to insert the following new subsection: 'If the Estates Commissioners are unable to acquire by agreement and on reasonable terms suitable land for the purposes of this Act, and if they have offered to the person appearing to them to be the owner of any land which, by reason thereof, they desire to acquire compulsorily for such purposes, compensation for the loss which would be sustained by the owner by being deprived thereof, and he has not within the prescribed time accepted the offer, they may, subject to the provisions of Subsection 8 of Section 2 of this Act, acquire that land compulsorily for those purposes in accordance with the provisions of this Act, and shall declare any land so acquired to be an estate.'"—(*Lord Atkinson.*)

The Lord President of the Council (The Earl of Crewe) 494
Lord Ashbourne 498
Lord Eversley 500
The Earl of Donoughmore 502
The Lord Chancellor (Lord Loreburn) 503
Lord Monteagle of Brandon 505
The Marquess of Lansdowne 505
The Lord Privy Seal (The Marquess of Ripon) 508
The Marquess of Londonderry 509
The Earl of Mayo 510

On Question, whether Subsection (1) should stand part of the Bill their Lordships divided:—Contents, 34; Not-contents, 153.

Proposed words there inserted.

Lord Clonbrock 511
The Earl of Crewe 513
The Earl of Mayo 513

Amendment moved—

"In page 2, line 2, to leave out the word 'consider' and to insert the words 'have prior to the first day of No ember one thousand nine hundred and seven determined.'"—(*The Earl of Mayo.*)

The Earl of Crewe 514
The Marquess of Lansdowne 515

Amendment, by leave, withdrawn.

The Marquess of Londonderry 515

Amendment moved—

"In page 2, line 4, after the word 'Acts' to insert the words 'not exceeding two thousand in all.'"—(*The Marquess of Londonderry.*)

The Earl of Crewe 517
Lord Atkinson 517
The Lord Chancellor 519
Viscount Midleton 519
The Earl of Meath 519
The Earl of Crewe 519

On Question, Amendment agreed to.

Lord Ashbourne 520

Amendment moved—

"In page 2, line 9, after the word 'applies' to insert the words 'new tenants to whom this Act applies shall include those whose lands may be acquired voluntarily as well as compulsorily.'"—(*Lord Ashbourne.*)

The Earl of Crewe 520
Lord Ashbourne 521

Amendment, by leave, withdrawn.

The Earl of Donoughmore 521

Amendment moved—

"In page 2, line 13, after the word 'district' to insert the words 'other than any boycotting or intimidation directed against the owner or occupier of such land,' and after the second 'and' to insert the words 'also having regard.'"—(*The Earl of Donoughmore.*)

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The Earl of Crewe 522
The Earl of Mayo 523
Lord Atkinson 523
The Earl of Dunraven 524
The Marquess of Lansdowne 524
The Earl of Crewe 525

Amendment, by leave, withdrawn.

The Earl of Donoughmore 525

Amendment moved—

"In page 2, line 14, to leave out the word 'involved,' and to insert the words 'of acquisition.'"—(*The Earl of Donoughmore.*)

Lord Denman 526
Lord Ashbourne 526
The Earl of Crewe 526

Amendment, by leave, withdrawn.

Lord Robertson 527

Amendment moved—

"In page 2, line 15, after the word 'land' to insert the words 'provided always that no lands shall be acquired compulsorily which have been purchased or agreed to be purchased under the Land Purchase Acts prior to the first day of May one thousand nine hundred and seven, nor any tenanted land which is in the possession or occupation of any tenant using or cultivating the same as an ordinary farmer'; and in lines 16 to 21, to leave out Subsection (4)."—(*Lord Robertson.*)

The Earl of Crewe 532
The Marquess of Lansdowne 537
Lord Clonbrock 541
Lord Barrymore 543
The Marquess of Lansdowne 545

On Question, "That the words of the Amendment, as amended, be there inserted," their Lordships divided:—Contents, 146; Not-Contents, 31.

Clause 1, as amended, agreed to.

Clause 2:—

Lord Inchiquin 549

Amendment moved—

"In page 2, line 31, after the word 'objection' to insert the words 'the prescribed particulars shall set forth in full the name and present address and occupation of the person or persons whom it is proposed to put into the possession of the land so acquired, or any part thereof.'"—(*Lord Inchiquin.*)

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The Earl of Crewe 549
The Earl of Donoughmore 551
Lord Denman 552
Viscount Midleton 552
The Earl of Crewe 553
Lord Ashbourne 554

Amendment, by leave, withdrawn.

Amendments moved—

"In page 3, line 3, to leave out the words 'price thereof' and insert the words 'amount of compensation to be paid therefor, as if the said lands were about to be acquired compulsorily under the Lands Clauses Act, 1845.'

"In line 11, to leave out from the word 'land' to the end of the subsection, and insert the words 'such compensation as to them appears to be reasonable.'

"In line 17 and 18, to leave out the words 'at the aforesaid price' and insert the words 'upon the terms aforesaid.'

"In line 25, to leave out the words 'purchase money' and insert the words 'amount of the compensation.'"—(*Lord Atkinson.*)

The Earl of Crewe 556

On Question, Amendments agreed to.

Lord Ashbourne 556

Amendment moved—

"In page 3, line 26, after the word "Commission' to insert the words 'without delay.'"—(*Lord Ashbourne.*)

The Earl of Crewe 557
Lord Ashbourne 557

Amendment, by leave, withdrawn.

Lord Atkinson 558

Amendment moved—

"In page 3, line 29, after the word 'withdrawn' to insert the words 'the Estates Commissioners or any two of them shall hear and by order determine.'"—(*Lord Atkinson.*)

The Earl of Crewe 563

House resumed, and to be again in Committee on Monday next. The Committee to have precedence of other Notices and Orders of the day.

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Butter and Margarine Bill.—Amendments reported (according to order); and Bill to be read 3ª on Monday next 564

Fatal Accidents (Damages) Bill [H.L.]—Read 3ª (according to order), and passed, and sent to the Commons 564

Vaccination (Scotland) Bill [H.L.].—Read 3ª (according to order), and passed, and sent to the Commons 564

Probation of Offenders (No. 2) Bill.—Read 3ª (according to order), with the Amendments; and passed, and returned to the Commons 564

Small Landholders (Scotland) Bill.—Brought from the Commons and read 1ª; to be printed; and to be read 2ª on Tuesday next.—(*The Lord Chancellor.*) (No. 167.) 564

House adjourned at twenty minutes before Twelve o'clock to Monday next, a quarter past Four o'clock.

HOUSE OF COMMONS: FRIDAY, 9TH AUGUST, 1907.

The House met at Twelve noon of the Clock.

Message to attend the Lords Commissioners.

The House went; and, having returned,

Mr. SPEAKER reported the Royal Assent to a number of Bills. (*See* page 485) 565

PRIVATE BILL BUSINESS.

Swansea Harbour Bill—Lords' Amendments considered, and agreed to .. 565

City of London (Union of Parishes) Bill [LORDS].—Read the third time, and passed, with Amendments 565

Metropolitan Water Board (Charges, etc.) Bill.—Read the third time, and passed 565

PETITIONS.

EDUCATION (SCOTLAND) BILL.—Petition from Fraserburgh, for alteration; to lie upon the Table 565

ELEMENTARY TEACHERS' SUPERANNUATION ACT, 1898.—Petition of the Certificated Elementary School Women Teachers under the Board of Education, for alteration of Law; to lie upon the Table 565

SMALL LANDHOLDERS (SCOTLAND) BILL.—Petition from Dumfries, against; to lie upon the Table 565

SMALL LANDHOLDERS (SCOTLAND) BILL.—Petition of the North-East of Scotland Land Defence Association, for alteration; to lie upon the Table 565

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Small Landholders (Scotland) Bill.—Petition from East Aberdeenshire, in favour; to lie upon the Table 566

Weekly Rest-Day Bill.—Petition from Pirbright and other places, in favour; to lie upon the Table 566

RETURNS, REPORTS, ETC.

Permanent Charges Commutation.—Return [presented 8th August]; to be printed. [No. 292] 566

Charitable Donations and Bequests (Ireland).—Copy presented, of Sixty-second Annual Report of the Commissioners of Charitable Donations and Bequests for Ireland [by Command]; to lie upon the Table 566

Queen's College (Belfast).—Copy presented, of Annual Report of the President for 1906–7 [by Command]; to lie upon the Table 566

Army (Recurrent Expenditure).—Return presented, relative thereto [Address 12th March; *Mr. Bellairs*]; to lie upon the Table, and to be printed. [No. 293] 566

United Kingdom (Trade, Commerce, and Condition of People).—Return presented, relative thereto [ordered 9th July; *Mr. Essex*]; to lie upon the Table, and to be printed. [No. 294] 566

Bankruptcy.—Copy presented, of Twenty-fourth General Annual Report by the Board of Trade under the Bankruptcy Act, 1883 [by Act]; to lie upon the Table, and to be printed. [No. 295] 566

Northern Nigeria.—Copy presented, of Correspondence relating to Sokoto, Hedeija, and the Munshi Country [by Command]; to lie upon the Table .. 566

Trade Reports (Annual Series).—Copies presented, of Diplomatic and Consular Reports, Annual Series. Nos. 3889 and 3890 [by Command]; to lie upon the Table 566

Crofters' Holdings (Scotland) Acts.—Copy ordered, "of the Crofters' Holdings (Scotland) Acts, indicating the extensions and Amendments thereof proposed by the Small Landholders (Scotland) Bill (as amended by the Standing Committee on Scottish Bills and on Report)."—(*Mr. Sinclair.*)

Copy presented accordingly; to lie upon the Table, and to be printed. [No. 296] 567

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Vaccination Exemption Certificates.—Question, Mr. Lupton (Lincolnshire, Sleaford); Answer, Mr. John Burns 567

Appointment of Assistant Inspector of Postmen at Durham.—Question, Mr. O'Grady (Leeds, E.); Answer, Mr. Sydney Buxton 567

Treatment of a Superintendent at Newry Post Office.—Question, Mr. Mooney (Newry); Answer, Mr. Sydney Buxton 568

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ENGLISH AND IRISH POSTAL STORES TENDERS.—Questions, Mr. Field (Dublin, St. Patrick); Answers, Mr. Sydney Buxton 568

ENGLISH AND IRISH POSTAL STORES.—Question, Mr. Field; Answer, Mr. Sydney Buxton 569

ENGLISH AND IRISH POSTAL SERVICE AND PROMOTIONS.—Question, Mr. Field; Answer, Mr. Sydney Buxton 569

IRISH POSTAL STORES.—Question, Mr. J. MacVeagh (Down, S.); Answer, Mr. Sydney Buxton 570

POST OFFICE CONSTRUCTION—REINFORCED CONCRETE.—Question, Mr. Whitehead (Essex, S.E.); Answer, Mr. Harcourt 571

SANITARY CONDITION OF COLD NORTON SCHOOL, ESSEX.—Question, Mr. Whitehead; Answer, Mr. McKenna 571

PAYMENT OF SALARIES OF MERIONETHSHIRE SCHOOL TEACHERS.—Questions, Lord Balcarres (Lancashire, Chorley) and Lord R. Cecil (Marylebone, E.); Answers, Mr. McKenna 572

SATURDAY HALF-HOLIDAY IN GOVERNMENT OFFICERS.—Question, Mr. J. MacVeagh; Answer, Mr. Runciman 572

PROMOTION OF RIDLEY CLERKS.—Question, Mr. Alden (Middlesex, Tottenham); Answer, Mr. John Burns 573

PROMOTION OF SECOND CLASS CLERKS.—Question, Mr. Alden; Answer, Mr. John Burns 573

LOUGH NEAGH FISHERIES—REPRESENTATIONS ON ADVISORY COMMITTEE.—Question, Mr. J. MacVeagh; Answer, Mr. T. W. Russell 574

NAVAN (COUNTY MEATH) LABOURERS COTTAGE SCHEME—DELAY IN HOLDING INQUIRY.—Question, Mr. Patrick White (Meath, N.); Answer, Mr. Birrell .. 574

IRISH PETTY SESSIONS CLERKS—PAY OF SUBSTITUTES DURING ABSENCE.—Question, Mr. Patrick White; Answer, Mr. Birrell 575

COMMUTATION OF WARRANT OFFICERS' PENSIONS.—Question, Mr. Whitehead; Answer, Mr. Haldane 575

MANUAL OF MILITARY LAW AND KING'S REGULATIONS—ISSUE OF NEW EDITIONS.—Question, Col. Long (Worcestershire Evesham); Answer, Mr. Haldane .. 575

BUCKS IMPERIAL YEOMANRY BAND AND POLITICAL DEMONSTRATION.—Question Mr. Patrick O'Brien (Kilkenny); Answer, Mr. Haldane 576

ADJOURNMENT.—Resolved, That this House do at the rising of the House this day adjourn till Monday next.—(*Captain Norton*) 576

CONSOLIDATED FUND (APPROPRIATION) BILL.—To be printed. [Bill 309] .. 576

SELECTION (STANDING COMMITTEES).—Sir WILLIAM BRAMPTON GURDON reported from the Committee of Selection; That they had discharged the

following Members from Standing Committee B (in respect of the Factory and Workshop Bill [Lords] and of the Cabs and Stage Carriages (London) Bill): Mr. Burns, Dr. Macnamara, Mr. Flynn, Mr. Kennedy, Mr. Kettle, Mr. Meehan, Mr. Mooney, Mr. Nannetti, Mr. Henniker-Heaton, Mr. Haddock, and Mr. Parker; and had appointed in substitution (in respect of the Factory and Workshop Bill [Lords] and of the Cabs and Stage Carriages (London) Bill): Mr. Secretary Gladstone, Mr. Herbert Samuel, Mr. Jeremiah MacVeagh, Mr. William Abraham (Cork), Mr. Halpin, Mr. Lardner, Mr. John Murphy, Mr. Ffrench, Mr. Bowles, Sir Frederick Banbury, and Mr. George Henry Roberts.

Sir WILLIAM BRAMPTON GURDON further reported from the Committee; That they had added to Standing Committee B the following Fifteen Members (in respect of the Factory and Workshop Bill [Lords] and of the Cabs and Stage Carriages (London) Bill): Mr. Brace, Mr. T. L. Corbett, Lord Edmund Talbot, Mr. Lambton, Mr. Hunt, Mr. T. P. O'Connor, Mr. John O'Connor, Mr. William Tyson Wilson, Mr. Ramsay Macdonald, Mr. John Johnson, Mr. Masterman, Mr. John Tennant, Dr. Shipman, Mr. Wedgwood, and Mr. Charles Nicholson.

Sir WILLIAM BRAMPTON GURDON further reported from the Committee; That they had discharged the following Members from Standing Committee C (in respect of the Employers' Liability (Insurance Companies) Bill and of the Companies Bill [Lords]): Mr. Paul, Mr. James Duncan, Sir Edward Strachey, Mr. Barran, Mr. Hart-Davies, Mr. Osmond Williams, Sir Albert Spicer, Sir Francis Channing, and Mr. Whitehead; and had appointed in substitution (in respect of the Employers' Liability (Insurance Companies) Bill and of the Companies Bill [Lords]): Mr. Bertram, Mr. Gibb, Mr. Attorney General Sir Edwin Cornwall, Mr. Charles Roberts, Mr. Higham, Mr. King Mr. Ridsdale, and Sir Frederick Cawley.

Sir WILLIAM BRAMPTON GURDON further reported from the Committee: That they had added to Standing Committee C the following fifteen Members (in respect of the Employers' Liability (Insurance Companies) Bill and of the Companies Bill [Lords]): Mr. Bell, Mr. Claude Hay, Mr. Rawlinson, Mr. Gordon, Lord Robert Cecil, Mr. Thomas Frederick Richards, Mr. Patrick White, Dr. Ambrose, Mr. Walter Rea, Mr. Lupton, Mr. Theodore Taylor, Mr. M'Laren, Mr. Beauchamp, Mr. Rendall, and Mr. Horniman.

Reports to lie upon the Table 376

MESSAGE FROM THE LORDS.—That they have agreed to:—Released Persons (Poor Law Relief) Bill; Paisley Corporation Order Confirmation Bill without Amendment; London County Council (Tramways and Improvements) Bill with Amendments.

Amendments to:—Salmon and Freshwater Fisheries Bill [Lords] without Amendment 577

Small Landholders (Scotland) Bill.—Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. Cochrane (Ayrshire, N.) 578
Mr. Mitchell-Thomson (Lanarkshire, N.W.) 584

Amendment proposed—

"To leave out the word 'now,' and at the end of the Question to add the words 'upon this day three months.'"—(*Mr. Cochrane*).

Question proposed, "That the word 'now' stand part of the Question."

The Secretary for Scotland (*Mr. Sinclair, Forfarshire*) 590
Sir Henry Craik (*Glasgow and Aberdeen Universities*) 598
Mr. J. D. White (*Dumbartonshire*) 600
Mr. Younger (*Ayr Burghs*) 605
Mr. Cathcart Wason (*Orkney and Shetland*) 606
Mr. Barnes (*Glasgow, Blackfriars*) 609
Mr. A. J. Balfour (*City of London*) 612
The Prime Minister and First Lord of the Treasury (*Sir H. Campbell-Bannerman, Stirling Burghs*) 624

Question put.

The House divided :—Ayes, 63 ; Noes, 190. (Division List No. 397.)

Main Question put, and agreed to.

Bill read the third time, and passed.

SMALL HOLDINGS AND ALLOTMENTS BILL (ALLOCATION OF TIME).—Order read, for resuming Adjourned Debate on Question [5th August], "That the Report Stage of the Small Holdings and Allotments Bill be brought to a conclusion in three allotted days ; and (a) That the new Clauses and Clauses 1 to 5 of the Bill be proceeded with and proceedings thereon brought to a conclusion on the first allotted day ; and (b) That the Clauses of the Bill following Clause 5 to the end of Part II. of the Bill (if and so far as not previously disposed of), be proceeded with and the proceedings thereon brought to a conclusion on the second allotted day ; and (c) That the remaining Clauses of the Bill and the Schedules and any other matter necessary to bring the Report stage of the Bill to a conclusion (if and so far as not previously disposed of) be proceeded with on the third allotted day and the proceedings thereon brought to a conclusion on that day.

Any day on which the Small Holdings and Allotments Bill is put down as the first Order of the Day shall be considered an allotted day for the purposes of this Order.

At 10.30 p.m. on any allotted day on which proceedings on any business allotted to that day are to be brought to a conclusion, or if that day is a Friday at 5 p.m., Mr. Speaker shall, if those proceedings have not already been brought to a conclusion, put forthwith the Question or Questions on any Amendment or Motion already proposed from the Chair, and shall next proceed successively to put forthwith the Question on any new Clauses or Amendments moved by the Government of which notice has been given (but no other Clauses or Amendments), and on any Question necessary to dispose of the business to be concluded, and in the case of Government Amendments or of Government new Clauses or Schedules he shall put only the Question that the Amendment be made or that the Clause or Schedule be added to the Bill, as the case may be.

Any Private Business which is set down for consideration at 8.15 p.m. on any allotted day shall, instead of being taken on that day as provided by the Standing Order "Time for taking Private Business," be taken immediately after the conclusion of the proceedings on the Bill for that day, and any Private Business so taken may be proceeded with, though opposed, notwithstanding the Standing Order "Sittings of the House."

At 11 p.m. on the day on which the Third Reading of the Bill is put down as first Order of the Day, or if that day is a Friday or Saturday at 5 p.m., Mr. Speaker shall put forthwith any Question necessary to complete the proceedings on that stage of the Bill.

After the passing of this Order, on any day on which any proceedings on the Small Holdings and Allotments Bill stand as first Order of the Day, no dilatory Motion on the Bill, nor Motion to recommit the Bill, nor Motion for adjournment under Standing Order 10, shall be received unless moved by a Minister of the Crown, and the Question on any such Motion shall be put forthwith without Debate.'—(*Sir H. Campbell-Bannerman*).

Question again proposed.

Mr. Chaplin (*Surrey, Wimbledon*) 633
The Solicitor-General (*Sir W. Robson, South Shields*) 635
Mr. Austen Chamberlain (*Worcestershire, E.*) 636
Major Seely (*Liverpool, Abercromby*) 637
Mr. Jesse Collings (*Birmingham, Bordesley*) 639
Mr. Byles (*Salford. N.*) 640
Mr. Cave (*Surrey, Kingston*) 642
Mr. O'Grady (*Leeds, E.*) 643
Sir H. Campbell-Bannerman 643
Lord R. Cecil (*Marylebone, E.*) 644

Question put.

The House divided:—Ayes, 167; Noes, 48. (Division List No. 398.)

Ordered accordingly.

Patents and Designs Bill.—As amended (by the Standing Committee) considered.

New clause:—

> "A defendant in an action for infringement of a patient, if entitled to present a petition to the Court for the revocation of the patent, may, without presenting such a petition, apply in accordance with the rules of the Supreme Court by way of counterclaim in the action for the revocation of the patent."—(*Mr. Lloyd-George.*)

Brought up, and read the first and second time, and added to the Bill.

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New clause :—

"Rules may be made under the principal Act for regulating the matters dealt with in subsections two and three of section forty-seven, and in section forty-eight of the principal Act, which relate to the form and manner in which applications for the registration of designs are to be made, and on the coming into operation of any such rules the said enactments shall be repealed."—(*Mr. Lloyd-George.*)

Brought up, and read the first time and second time, and added to the Bill.

The President of the Board of Trade (*Mr. Lloyd-George, Carnarvon Boroughs*) 647

New clause :—

"The following section shall be substituted for section twenty-five of the principal Act :—(1) A patentee may, after advertising in manner provided by rules of the Supreme Court his intention to do so, present a petition to the Court praying that his patent may be extended for a further term, but such petition must be presented at least six months before the time limited for the expiration of the patent ; (2) Any person may give notice to the Court of objection to the extension ; (3) On the hearing of any petition under this section the patentee and any person who has given such notice of objection shall be made parties to the proceeding, and the Comptroller shall be entitled to appear and be heard, and shall appear if so directed by the Court ; (4) The Court, in considering its decision, shall have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case ; (5) If it appears to the Court that the patentee has been inadequately remunerated by his patent, the Court may by order extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may order the grant of a new patent for such term as may be specified in the order and containing any restriction, conditions, and provisions the Court may think fit."—(*Mr. Lloyd-George.*)

Brought up, and read a first time.

Motion made, and Question proposed, "That the clause be read a second time."

Mr. Meysey-Thompson (*Staffordshire, Handsworth*) 647
Mr. Staveley-Hill (*Staffordshire, Kingswinford*) 649

Question put, and agreed to, and clause added to the Bill.

Mr. J. D. White 649

New clause :—

"A patentee shall not be entitled to recover any damages in an action for infringement commenced after the commencement of this Act from any defendant who proves that at the date of the infringement he was not aware of the existence of the patent, and the marking of an article with the word 'patent,' 'patented,' or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article shall not be deemed to constitute notice of the existence of the patent unless the word or words are accompanied by the year and number of the patent.

"Provided that nothing in this section shall affect any proceedings for an injunction."—(*Mr. J. D. White.*)

Brought up, and read a first time.

Question proposed, "That the clause be read a second time."

Lord R. Cecil .. 650
Mr. Lloyd-George .. 651
Mr. Astbury (Lancashire, Southport) .. 651
Mr. Cave (Surrey, Kingston) .. 652
Mr. Napier (Kent, Faversham) .. 652
Lord Balcarres (Lancashire, Chorley) .. 653
Sir F. Channing (Northamptonshire, E.) .. 653
Mr. Austen Chamberlain (Worcestershire, E.) .. 654
Mr. Bowles (Lambeth, Norwood) .. 654
Mr. Gordon (Londonderry, S.) .. 654
Mr. Berridge (Warwick, Leamington) .. 654

Question put.

The House divided :—Ayes, 138 ; Noes, 34. (Division List No. 399.)

Mr. Rawlinson (Cambridge University) .. 655

Amendment proposed to the proposed clause—

"In line 1, after the word 'infringement,' to insert the words 'of a patent granted after the passing of this Act.' "—(*Mr. Rawlinson.*)

Question proposed, "That those words be there inserted."

Question put, and agreed to.

Mr. Rawlinson .. 657

Amendment proposed to the proposed clause—

"In line 4, after the words 'where he is not aware,' to insert the words 'or had reasonable means of making himself aware.' "—(*Mr. Rawlinson.*)

Question proposed, "That those words be there inserted."

Proposed clause, as amended, added to the Bill.[1]

The following Amendments were proposed and agreed to without discussion.

"In page 1, line 15, after the word 'devolve,' to insert the words 'on his personal representatives.' "—(*Mr. Lloyd-George.*)

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" In page 2, line 8, to leave out from the word 'the' to the word 'principal,' in line 10."—(*Mr. Cave.*)

" In page 2, lines 13 and 14, to leave out the words 'required by the Comptroller' and to insert the words 'in any particular case the Comptroller considers it desirable so to require.' "

" In page 2, line 16, to leave out the words 'applicants have,' and to insert the words " applicant has.' "

" In page 2, line 18, to leave out the word 'have' and to insert the word 'has' "

" In page 2, line 20, after the word 'inventions,' to insert the words 'are such as to constitute a single invention and.' "—(*Mr. Lloyd-George.*)

" In page 2, line 32, after the word 'on,' to insert the words 'or modification of.' "—(*Mr. Astbury.*)

" In page 3, line 14, after the word 'an,' to insert the word 'extended.' "

" In page 3, line 36, after the word 'wholly,' to insert the words 'and specifically.' "

" In page 3, line 36, to leave out the words 'or described.' "—(*Mr. Lloyd-George.*)

" In page 4, line 28, to leave out the word 'for' and to insert the word 'after.' "

" In page 4, line 30, to leave out the word 'substituted' and to insert the word 'added.' "

" In page 4, line 30, after the word 'words,' to insert the word 'or.' "

" In page 4, line 31 to leave out the words 'described or' and to insert the words 'wholly and specifically.' "—(*Mr. Cave.*)

Amendment proposed to the Bill—

" In page 4, line 33, after the word 'opposed,' to insert 'being a specification deposited pursuant to an application made fifty years or less before the date of the application for such last-mentioned patent, or has been described in any such specification published before the date of the application.' "—(*Mr. Lloyd-George.*)

Question proposed, " That those words be there inserted."

Mr. Cave 658
Mr. J. Ward (Stoke-on-Trent) 658

Amendment, by leave, withdrawn.

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Amendments proposed, and agreed to without discussion—

"In page 4, line 33, after the word 'opposed,' to insert the words 'by a specification deposited pursuant to an application made fifty years or less before the date of the application for such last-mentioned patent.' "—(*Mr. Lloyd-George.*)

"In page 4, line 33, after the word 'opposed,' to insert the words 'or described in any specification which has been published before the date of such application.' "—(*Mr. Astbury.*)

"In page 4, line 33, to leave out from the word 'opposed' to the word 'or' in line 35.' "—(*Mr. Cave.*)

"In page 4, line 39, to leave out Subsection (2)."—(*Mr. Cave.*)

"In page 5, lines 15 and 16, to leave out the words 'eight or section nine of the principal Act,' and to insert the words 'three of the Patents, Designs and Trade Marks Amendment Act, 1885."

"In page 5, line 24, to leave out the words 'or the Comptroller.' " (*Mr. Lloyd-George.*)

Amendment proposed to the Bill.

"In page 5, line 25 to leave out the words 'or the Comptroller. " (*Mr. Lloyd-George.*)

Mr. Lloyd-George 659

Amendment agreed to.

Mr. Cave 659

Amendment proposed—

"In page 5, line 39, to leave out from the beginning to the word 'any' in line 40."

Question put, and agreed to.

Amendment proposed—

"In page 5, line 40, to leave out from the word 'any' to the end of the clause."—(*Mr. Cave.*)

Question proposed, "That the word 'any' stand part of the Bill."

Mr. Lloyd-George 660
Lord R. Cecil 661
Mr. J. Ward (Stoke-on-Trent) 662

Amendment negatived.

Amendments proposed—

"In page 6, lines 4 and 5, to leave out the words 'a patent may be opposed,' and insert the words 'the patent might have been opposed.' "

“In page 6, line 5, at end, to insert the words ‘Provided that when an action for infringement or proceedings for the revocation of the patent are pending in any Court, an application under this section shall not be made except with the leave of the Court.’ ”

“In page 6, line 10, after the word ‘application,’ to insert the words, ‘but the Comptroller shall not make an order revoking the patent unless the circumstances are such as would have justified him in refusing to grant the patent had the proceedings been proceedings in an opposition to the grant of a patent.’ ”—(*Mr. Lloyd-George.*)

Amendments agreed to.

Amendment proposed to the Bill—

“In page 6, line 10, at end to insert the words ‘(3) On the hearing of such petition the Comptroller and Court shall have the same powers of requiring Amendment of specification, and shall be guided in their decision by the same principle as in the case of an opposition to the grant of a patent.’ ”—(*Mr. Radford.*)

Question proposed, “That those words be there inserted.”

Amendment, by leave, withdrawn.

Lord R. Cecil 663

Amendment proposed to the Bill—

“In page 5, line 19, to leave out Clause 15.’ ”—(*Lord R. Cecil.*)

Question proposed, “That the words ‘At any time not less than four years after the date of a patent,’ stand part of the Bill.”

Mr. Lloyd-George 663
Mr. Bowles 664

Amendment, by leave, withdrawn.

Amendment proposed to the Bill—

“In page 6, line 20, after the word ‘patent,’ to insert the words granted after the commencement of this Act, and in case of a patent previously granted at any time not less than four years after the date of such patent and two years after the commencement of this Act.’ ”—(*Mr. Astbury.*)

Question, “That those words be here inserted,” put, and agreed to.

Mr. G. Croydon Marks (*Cornwall, Launceston*) 664
Lord Balcarres 665

Amendment proposed to the Bill—

“In page 6, line 23, after the word ‘Kingdom,’ to insert the words ‘for meeting or supplying a continuous demand existing for such patented article or process in the United Kingdom.’ ”—(*Mr. Croydon Marks.*)

Question proposed, "That those words be there inserted."

Mr. Lloyd-George 665
Mr. Barnes 666

Amendment, by leave, withdrawn.

Mr. Rawlinson 666
Mr. Napier 666

Amendment proposed to the Bill—

"In page 6, line 23, at the end, to insert the words 'or His Majesty's dominions beyond the seas.'"—(*Mr. Rawlinson.*)

Question proposed, "That those words be there inserted in the Bill."

Mr. Lloyd-George 667
Lord R. Cecil 667
Mr. J. Ward 667
Mr. Hills (Durham) 668
Mr. Rawlinson 668

Amendment, by leave, withdrawn.

The following Amendments were proposed and agreed to without discussion—

"In page 7, line 25, after the word 'manufacture,' to insert the words 'and supply.'"—(*Sir M. Levy.*)

"In page 7, line 25, after the word 'article,' to insert the words 'or any parts thereof which are necessary for its efficient working on reasonable terms.'"—(*Sir M. Levy.*)

"In page 7, line 26, after the word 'extent,' to insert the words 'in the United Kingdom,'"—(*Mr. Astbury.*)

"In page 7, line 27, after the word 'existing,' to insert the words 'trade or.'"—(*Mr. Astbury.*)

"In page 7, line 28, after the word 'new,' to insert the words 'trade or.'"—(*Mr. Astbury.*)

Mr. Cave 668

Amendment proposed to the Bill—

"In page 7, line 38, to leave out the word 'whether.'"—(*Mr. Cave.*)

Question proposed, "That the word 'whether' stand part of the Bill."

Amendment negatived.

Amendment proposed to the Bill—

"In page 9, line 13, to leave out from the first word 'and,' and to insert the words 'After the expiration of the prescribed period the Comptroller.'"—(*Mr. Lloyd-George.*)

Amendment agreed to.

Amendment proposed—

"In page 9, line 14, to leave out the words 'law officer,' and to insert the word 'Court.'"—(*Mr. Lloyd-George.*)

Question proposed, "That the word 'law officer' stand part of the Bill."

Mr. Rawlinson 669
Lord R. Cecil 670

Amendment agreed to.

Amendment proposed—

"In page 9, lines 15 and 16, to leave out the words 'of the Comptroller.'"—(*Mr. Astbury.*)

Amendment agreed to.

Mr. Cave 670
Mr. Staveley-Hill 671

Amendment proposed to the Bill—

"In page 9, line 21, to leave out Clause 23."—(*Mr. Cave.*)

Question proposed, "That the words proposed to be left out, to the word 'any,' in page 2, line 22, stand part of the Bill."

Mr. George White (Norfolk, N.W.) 671
Lord R. Cecil 672
Mr. Lloyd-George 673

Question put.

The House divided:—Ayes, 79; Noes, 13. (Division List No. 400.)

Bill, as amended (by the Standing Committee), to be further considered upon Monday next.

ADJOURNMENT.

Motion made, and Question, "That this House do now adjourn,"—(*Mr. Whiteley*)—put, and agreed to.

Adjourned at a quarter before Nine o'clock till Monday next.

HOUSE OF LORDS: MONDAY, 12TH AUGUST, 1907.

PRIVATE BILL BUSINESS.

The LORD CHANCELLOR acquainted the House, That the Clerk of the Parliaments had laid upon the Table the Certificate from the Examiners that the further Standing Orders applicable to the following Bill have been complied with:—Metropolitan Water Board (Charges, etc.).

The same was ordered to lie on the Table 677

STANDING ORDERS COMMITTEE.—Report from, that the Standing Orders not complied with in respect of the Amendments made by the Committee of this House to the Armagh Urban District Council Bill ought not to be dispensed with, but that the Bill should be allowed to proceed provided that the words "continue to hold his said office until he die, or resign, or be removed by the council with the assent of the Board" be struck out of Clause 49A. The said Report to be considered to-morrow.. 677

Alexandra (Newport and South Wales) Docks and Railway (General Powers) Bill.—Reported from the Select Committee, with Amendments 677

Neath, Pontardawe, and Brynaman Railway Bill.—Read 3ª, and passed 677

North Staffordshire Railway Bill.—Read 3ª, with the Amendments, and passed, and returned to the Commons 677

City of London (Union of Parishes) Bill [H.L.].—Returned from the Commons agreed to, with Amendments. The said Amendments considered, and agreed to 677

Swansea Harbour Bill.—Returned from the Commons with the Amendments agreed to 677

PETITIONS.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Lord Balfour of Burleigh 677

SMALL LANDHOLDERS (SCOTLAND) BILL.—Petitions against: Of North-East of Scotland Land Defence Association; Subscribers in the County of Ayr; Meeting at Kelsoe; Meeting at Corn Exchange, Edinburgh; Peeblesshire Land Defence Association; Scottish Chamber of Agriculture and Associated Societies; read, and ordered to lie on the Table 678

SMALL LANDHOLDERS (SCOTLAND) BILL.—Petition in favour of: Of crofters, tradesmen, feuars, and cottars in Eastern District of Ross and Cromarty; read, and ordered to lie on the Table 678

MERCHANT SHIPPING (TONNAGE DEDUCTION FOR PROPELLING POWER) BILL.—Petition to be heard by Counsel for amendment of: Of Alexandra (Newport and South Wales) Docks and Railway Company; read, and ordered to lie on the Table 678

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BUTTER AND MARGARINE BILL.—Petitions to be heard by Counsel for amendment of: Of Pontypool and District Master Bakers', Millers', and Grocers' Association; Hertford, Ware, Hoddesdon, and District Grocers' Association; Chester Grocers' and Provision Dealers' Association; Lisburn Grocers' Association: Wellingborough Grocers' Association read, and ordered to lie on the Table 678

RETURNS, REPORTS, ETC.

TRANSVAAL.—Transvaal Loan Act, 1907, with papers respecting the finances of the Colony 679

CROFTERS' HOLDINGS (SCOTLAND) ACTS.—Copy of the Crofters' Holdings (Scotland) Acts indicating the extensions and Amendments thereof proposed by the Small Landholders (Scotland) Bill as amended by the Standing Committee on Scottish Bills and on Report: Ordered to be laid before the House. (The Lord Hamilton of Dalzell.) 679

TRAMWAY ORDERS.—Report by the Board of Trade of their proceedings under the Tramways Act, 1870, during the Session of 1907 679

IMPERIAL INSTITUTE (INDIAN SECTION).—Annual Report for the year 1906–1907 679

TRADE REPORTS (ANNUAL SERIES).

No. 3891. France (Havre).
No. 3892. Morocco (Dar al-Baida).
No. 3893. Morocco (Tangier).
No. 3894. Netherlands (Curaçoa).
No. 3895. Japan (Nagasaki).
No. 3896. Japan 679

MERCHANT SHIPPING ACTS, 1894 TO 1906.—Return of all British and Foreign ships ordered by the Board of Trade, or its officers, during the period from 1st July, 1906, to 30th June, 1907, to be provisionally detained as unsafe (in continuation of Parliamentary Paper [Cd. 3138]).

Presented (by Command), and ordered to lie on the Table 679

SUPERANNUATION (TREASURY MINUTES).—Dated 6th August, 1907, granting a retired allowance to James Trotman Dean, Chief Clerk, Engineer-in-Chief's Department, Post Office, under Section 2 of the Superannuation Act, 1887.

Dated 7th August, 1907 declaring that John Crabtree, steam-hammer driver, Royal Gun Factory, War Office, was appointed without a civil service certificate through inadvertence on the part of the head of his Department 679

SUPREME COURT OF JUDICATURE.—Account of the receipts and expenditure of the Paymaster-General on behalf of the Supreme Court of Judicature in respect of the funds of suitors of the court in the year ended 28th February, 1907; also account of the National Debt Commissioners for the same period in respect of funds held by them on behalf of the Supreme Court of Judicature, together with the Report of the Comptroller and Auditor-General thereon. .. ..

Laid before the House (pursuant to Act), and ordered to lie on the Table 680

SCOTTISH BOARD OF AGRICULTURE.

The Earl of Camperdown 680
Lord Hamilton of Dalzell 680

Evicted Tenants (Ireland) Bill

House again in Committee (according to Order).

[The Earl of ONSLOW in the Chair.]

Clause 2 :—

Debate resumed on following Amendment—

"In page 3, line 29, after the word 'withdrawn' to insert the words 'the Estates Commissioners or any two of them shall hear and by order determine.'"—(*Lord Atkinson.*)

The Lord President of the Council (The Earl of Crewe) 681
Lord Ashbourne 686
Lord Atkinson 688
The Lord Chancellor (Lord Loreburn) 689
Lord Hemphill 692
The Marquess of Lansdowne 695

On Question, Amendment agreed to.

Amendment moved—

"In page 3, line 30, to leave out from the word 'thereon' to the end of Subsection (7); and in line 34, after the word 'conclusive' to insert the following new subsection :—

"In line 30, to leave out from the word 'thereon' to the end of Subsection (7)."

"In line 34, after the word 'conclusive to insert the following new subsection :—'(8) (*a*) Any person aggrieved by any order of the Estates Commissioners made upon the hearing of any such petition as aforesaid may, within the time and in the manner prescribed by rules to be made as hereinafter provided, apply as he shall elect, either to the King's Bench Division of the High Court of Justice in Ireland, or to the Judges of Assize for the county in which the lands sought to be acquired, or the greater part thereof, are situated, to hear and determine any question of law or fact arising out of any such petition or order. Every such application shall be heard and determined by one of the Judges of Assize for the said county, or by one of the Judges of the King's Bench Division, to be selected by the said Judges according to a rota to be framed by them at the commencement of each sitting of the said High Court. Upon the hearing of every such application the Judge shall have power and authority to hear and determine all questions of law and fact that may arise, including the adequacy of the compensation awarded

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by said order, and in particular the question whether, upon the facts and circumstances proved in evidence before him, the compulsory acquisition of the lands in said petition or order mentioned was just and reasonable, and he may give judgment affirming, modifying, or reversing the said order of the Estates Commissioners, and may make such order as to the costs of and incidental to the said petition, and the hearing of the said application, as he may think fit : (*b*) Upon the hearing of every such application the said Judge shall have the jurisdiction, power, and authority possessed by a Judge of the High Court of Justice in Ireland when presiding at a trial at *Nisi Prius*, including the power to administer an oath, and to compel the attendance of witnesses and the production of documents. He shall also have the power to direct that an independent valuer, to be nominated by him, should report to him his opinion upon any matter the Judge may think fit to refer to him, and he may make such order in reference to the costs of any such report as he may deem just : (*c*) In the determination of any question as to the adequacy of the compensation offered, the Judge shall have regard to the principles of the provisions of the Lands Clauses Acts, 1845, applicable to the compulsory purchase of land, and for the purposes of the said application before the said Judge, the Estates Commissioners shall be deemed to be the promoters of the undertaking within the meaning of the said Act : (*d*) The Estates Commissioners shall be competent, but not compellable witnesses upon the hearing of every such application, and they shall furnish to the Judge hearing the same all such particulars and documents as shall by him be required, including a schedule in the form prescribed by section seven of the Purchase of Land (Ireland) Act, 1903, together with a statement of the superior interests, if any, to which the lands sought to be acquired, or the estate of which they form a part, may be subject : (*e*) The inspectors and other officers of the Land Commission, other than the Land Commissioners themselves, shall be competent and compellable witnesses upon the hearing of every such application : (*f*) The said King's Bench Division and the Judges of Assize, respectively, may order that all applications pending before them in respect of the same petition or order as aforesaid may be consolidated, and heard together, and for the more convenient, speedy, or proper hearing of any such applications, may order that the hearing of same may be transferred from the said Division to the Judges of Assize, or from the Judges of Assize to that Division, as the case may be, and the said application, when so transferred, shall be heard and determined as if it had originally been made to the tribunal to which it has been transferred : (*g*) The Judge before whom any such application is heard may, where he deems it expedient, reserve any question or matter arising upon such application, by way of case stated, for the consideration of His Majesty's Court of Appeal in Ireland : (*h*) All cases stated for the Court of Appeal shall be prosecuted, heard, and determined by such Court in such manner and form, and subject to such rules and regulations as the Court may from time to time by rules direct. The said Court of Appeal shall give such judgment as ought to have been given in the Court below by the Judge thereof, and such judgment shall be of the like effect as if it had been the judgment of the said Judge, or the said Court of Appeal may remit the case with such directions as they think fit to the Court below : (*i*) In the interval between the lodging of any such application to the Judges of Assize and the opening of the Assizes for the county in which such application is to be heard, the King's Bench Division of the High Court of Justice in Ireland shall, on the motion in the prescribed manner of the applicant, the Estates Commissioners, or any party interested, have jurisdiction, power, and authority to make any order of an interlocutory nature in the matter of said application, as if same was an action at law pending in the said division: (*j*) The provisions of section twenty-three of the Irish Land Act, 1903, shall apply to this Act so far as the same are not inconsistent with the provisions of the latter. Provided that a question of law which has been decided by a Judge of the High Court or of Assize, or by the Court of Appeal under the provisions of this Act shall not, after the date of such decision, be referred for decision to the Judicial Commission, nor while a question of law is awaiting decision in any application pending before such a Judge, shall the same question of law be referred for decision to the Judicial Commission, unless at the request of some person who is neither a party to nor interested in the matter of the said application. (*k*) The compensation to be paid to any owner of land in respect of the loss thereof shall for the purposes of the Land Purchase Acts be deemed to be the price to be paid for his purchase therein: (*l*) Rules of Court regulating and prescribing the practice, procedure, and the costs of and incidental to the hearing of all proceedings under this section before the King's Bench Division, or any Judge thereof, or any Judge of Assize, may be made by the authority having power to make Rules of Court for the Supreme Court of Judicature in Ireland.' "—(*Lord Atkinson.*)

On Question, Amendment agreed to.

Lord Barrymore 699

Amendment moved—

"In page 3, line 34, after the word 'conclusive' to insert the following new subsection:— '(8) In addition to any compensation to be awarded to the owner under this section, the Estates Commissioners, or the Judge on Appeal, shall have power to award such sum as may appear reasonable in respect of any arrears of rent due by the tenant at the date of the eviction, or in respect of any money paid to the tenant in respect of his interest or goodwill in the lands."—(*Lord Barrymore.*)

The Earl of Meath 701
The Earl of Crewe 702
Lord Inchiquin 703
Viscount Midleton 704
Lord Denman 705
Lord Clonbrock 706

On Question, "That those words be there inserted," their Lordships divided: —Contents, 151; Not-Contents, 39.

The Earl of Mayo 707

Amendment moved—

"In page 3, line 38, after the word 'order' to insert the words 'Provided always that in every case in which the owner of the said land shall, by notice in writing to the Estates Commissioners within the

prescribed time, so require, the person or persons whom it is proposed to place in possession of said lands shall be placed there with the *status* of present tenants instead of purchasers, and shall from the date of being so placed in possession be subject to such rent as the Land Commission, failing agreement between the owner and such person or persons, may upon the application of either party determine to be the fair rent of such land pursuant to the provisions of the Land Law (Ireland) Acts, 1881 to 1896.' "—(*The Earl of Mayo.*)

The Earl of Crewe 709

Amendment, by leave, withdrawn.

Clause 2, as amended, agreed to.

Lord Clonbrock 709

Amendment moved—

" After Clause 2, to insert the following new clause :—(1) The Estates Commissioners shall publish particulars of all cases in which an evicted tenant or a person nominated by them to be the personal representative of a deceased evicted tenant, has been or may be hereafter, with their assistance, restored to his former holding or provided with a new holding under the Irish Land Act, 1903, or this Act : (2) Such particulars shall be in the form of a quarterly return, which shall be laid before Parliament forthwith, and shall contain such particulars of each case as may be prescribed by rules made by the Lord-Lieutenant. including the particulars set forth in the schedule to this Act."—(*Lord Clonbrock.*)

The Earl of Crewe 710

On Question, Amendment, as amended, agreed to.

Clause 3 :—

The Earl of Leitrim 710

Amendment moved—

" In page 4, line 3, after the word ' thereof ' to insert the words ' and ending on the first day of November then next ensuing.' "—(*The Earl of Leitrim.*) ..

The Earl of Crewe 711
Lord Ashbourne 711

On Question, Amendment, as amended, agreed to.

Lord Barrymore 712

Amendment moved—

" In page 4, line 14, after the word ' holding ' to insert the words ' and shall at the same time offer to such new tenant such sum as may

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be reasonably necessary to cover any expense or loss incidental to the removal of himself and his family as well as of his crops, stock, and chattels to such parcel of land'; and in line 19 after the word 'holding' to insert the words 'and for any expense or loss incidental to the removal of himself and his family, as well as of his crops, stock and chattels from said holding.' "—(*Lord Barrymore.*)

The Earl of Crewe 712
Lord Ashbourne 712

On Question, Amendment agreed to.

Consequential Amendment agreed to

Lord Ashbourne 713

Amendment moved—

"In page 4, line 22, after '1881,' to insert the words 'Provided that the Estates Commissioners may if they think proper, and the new tenant so desires, award a sum as full compensation under this Subsection 3, without making an offer of a parcel of land under Sub section 2.' "—(*Lord Ashbourne.*)

The Earl of Crewe 713
Lord Ashbourne 714

On Question, Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5 :—

The Marquess of Londonderry 714

Amendment moved—

"To leave out Clause 5."—(*The Marquess of Londonderry.*)

The Earl of Crewe 717
The Marquess of Londonderry 718

Amendment, by leave, withdrawn.

Clause 5 agreed to.

Clause 6 :—

Lord Clonbrock 718

Amendments moved—

"In page 5, line 25, after the word 'which,' to insert the words 'is or' and after the word 'farm' to insert the word 'townpark' and leave out the word 'or.' "

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"In line 26, after the word 'pleasure,' to insert the words 'or building' and after the word 'ground' to insert the words 'or which possesses an exceptional or accommodation value to the owner in connection with his farming or owing to its proximity to a town or otherwise.'"

"In page 5, line 32, to leave out the word 'immediately' and leave out the word 'and' and insert the word 'or.'"—(*Lord Clonbrock.*)

The Earl of Crewe 721

First Amendment agreed to.

Second Amendment negatived.

The Earl of Crewe 723
Lord Barrymore 725
The Marquess of Lansdowne 725
The Earl of Crewe 726

Amendment, by leave, withdrawn.

Lord Ashbourne 726

Amendments moved—

"In page 5, line 36, after the word 'possible' to insert the words save by agreement with the owner, such lands only shall be selected as immediately join or are accessible from an existing public road.'"

"In page 5, line 36, after the word 'possible' to insert the words 'the owner may offer an alternative site, which the Estates Commissioners shall fully and fairly consider.'"—(*Lord Ashbourne.*)

Lord Denman 727
Lord Ashbourne 728
The Earl of Mayo 729
The Marquess of Lansdowne 730
The Earl of Crewe 730
The Marquess of Lansdowne 731

First Amendment agreed to.

Second Amendment, by leave, withdrawn.

Clause 6, as amended, agreed to.

After Clause 6—

Lord Inchiquin 733

Amendment moved—

> "To insert the following new clause:—'Where any land is compulsorily purchased or taken under this Act all sporting rights hitherto enjoyed by the vendor shall, if he so desires, remain vested in him notwithstanding such purchase.'"—(*Lord Inchiquin*).

Lord Inchiquin 733
The Marquess of Lansdowne 734
The Earl of Crewe 734
Lord Inchiquin 735
The Earl of Crewe 736
The Earl of Donoughmore 736
The Earl of Crewe 737
The Earl of Arran 738

On Question, "That the new clause stand part of the Bill," their Lordships divided:—Contents, 102; Not-Contents, 26.

Clause 7 agreed to.

Clause 8:—

Lord Dunboyne 739

Amendment moved—

> "In page 6, line 15, after the second 'any' to insert the word 'other.'"—(*Lord Dunboyne.*)

Amendment agreed to.

Clause 8, as amended, agreed to.

Consequential Amendment in Clause 9 agreed to.

Clause 9, as amended, agreed to.

Clause 10 agreed to.

Clause 11:—

The Earl of Donoughmore 740

Amendment moved—

> "In page 6, line 26, after '1903' to insert the words 'or may be resold to the vendor provided that no such land shall be sold to any person other than the vendor unless it shall have been offered to the vendor at the price for which it is so sold, and unless he shall have failed to accept the said offer within a period of one month from the date thereof.'"—(*The Earl of Donoughmore.*)

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The Earl of Crewe 740
The Earl of Donoughmore 741

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 12 agreed to.

Clause 13 :—

Lord Atkinson 741

Amendment moved—

"To leave out Clause 13."—(*Lord Atkinson.*)

The Earl of Crewe 747
The Marquess of Londonderry 749
The Lord Chancellor 751
Lord Clonbrock 752
Lord Hemphill 753
The Marquess of Lansdowne 755
Lord Denman 756
The Earl of Mayo 756
The Earl of Crewe 757

On Question, whether Clause 13 should stand part of the Bill, their Lordships divided :—Contents, 30 ; Not-Contents, 127.

Clause 14 and 15 agreed to.

After Clause 15 :—

Viscount Midleton 759

Amendment moved—

"To insert as a new clause : 'Nothing in this Act contained shall prejudice or affect the rights, priority, interests or claims of the vendors and purchasers of lands whose agreements for the sale thereof under the Land Purchase Acts have been lodged with the Land Commission, and advances in respect of which have not been refused, to have the said agreements carried out, and the purchase money payable thereunder duly paid, and the land purchased duly vested in the purchaser.' "—(*Viscount Midleton.*)

The Earl of Crewe 762
The Marquess of Lansdowne 765

Amendment, by leave, withdrawn.

Proposed schedule—

Particulars of Decisions and Returns.

COUNTY.	Name of Estate on which former holding is situate.	Name of Tenant.	Townland on which former holding is situate.	Date of Eviction.
(1)	(2)	(3)	(4)	(5)

Annual rent of former holding at date of eviction (as stated in tenant's application).	Annuity payable on purchase holding.	Expenditure sanctioned out of Reserve Fund				Area.	
		Advances repayable as part of Land Purchase Annuities.	Free Grants not repayable.			Former Holding.	New Holding.
		Buildings and other improvements.	Buildings and other improvements.	Stock, farm implements.	Compensation to outgoing tenants on surrendering holdings.		
(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

—(*Lord Clonbrock.*)

On Question, schedule agreed to.

Standing Committee negatived: The Report of Amendments to be received on Thursday next; and Bill to be printed as amended. (No. 168.)

Evidence (Colonial Statutes) Bill.—House in Committee (according to Order); Bill reported without Amendment; Standing Committee negatived; and Bill to be read 3ª on Wednesday next 767

Criminal Appeal Bill.—Amendments reported (according to Order).

Lord Ashbourne 768
The Lord Chancellor 769

Amendments moved—

"In page 11, line 18, to leave out the words 'The Rule Committee under this Act may make.'"

"In line 19, to leave out the words 'thereof, and rules' and insert the words 'of this Act shall be made, subject to the approval of the Lord Chancellor, by the Lord Chief Justice and the Judges of the Court of Criminal Appeal, or any three of such judges, with the advice and assistance of the Committee hereinafter mentioned. Rules.'"

"In line 30, to leave out from the beginning of Subsection (2) to the first 'a' in line 32, and insert the words 'The Committee hereinbefore referred to shall consist of.'"

"In line 39, to leave out the words 'for such time' and insert the words 'The term of office of any person who is a member of the Committee by virtue of appointment shall be such.'"

"In line 41, to leave out the words 'The Rule Committee may act by any five of their number.'"—(*The Lord Chancellor.*)

On Question, Amendments agreed to.

Bill to be read 3ª on Friday next; and to be printed as amended. (No. 169.)

Prisons (Ireland) Bill.—Read 2ª (according to Order,) and committed to a Committee of the Whole House on Thursday next 770

Lights on Vehicles Bill.—Amendments reported (according to Order).

Lord Balfour of Burleigh 770
Lord Hamilton of Dalzell 770
The Lord Steward (Earl Beauchamp) 770

Amendment moved—

"In page 2, line 31, after the word 'rate' insert the following new subsection: '(5) In the application of this section to the county of London, the London County Council shall be substituted for the council of a borough, and the county fund for the borough fund or rate; and, in the application of this section to the City of London, the mayor, aldermen, and commons of that city, in common council assembled, shall be substituted for the council of a borough, and the Consolidated Rate for the borough fund or rate.'"—(*Earl Beauchamp.*)

The Earl of Donoughmore 771

On Question, Amendment agreed to.

Bill to be read 3ª on Thursday next; and to printed as amended. (No. 170.)

Public Health Bill.—The Lords following were named of the Select Committee, viz.:—

D. Northumberland
E. Onslow.
V. Hutchinson (*E. Donoughmore.*)
L. Fitzmaurice.
L. Allendale.

The Committee to meet to-morrow, at half-past Two o'clock, and to appoint their own Chairman.

Butter and Margarine Bill.—Read 3^a (according to Order), with the Amendments; and passed, and returned to the Commons.

THE BELFAST RIOTS.

The Marquess of Lansdowne 771
The Lord Privy Seal (*The Marquess of Ripon*) 771

CROFTERS' HOLDINGS (SCOTLAND) ACTS.—Return respecting: Laid before the House (pursuant to Order of this day), and to be printed. (No. 171) .. 772

Merchant Shipping (Tonnage Deduction for Propelling Power) Bill.—Message to the Commons for copy of the Report, etc., of the Select Committee 772

House adjourned at a quarter past Eleven o'clock till To-morrow a quarter past Four o'clock.

HOUSE OF COMMONS: MONDAY, 12TH AUGUST, 1907.

The House met at a quarter before Three of the Clock.

PRIVATE BILL BUSINESS.

Oxford and District Tramways Bill [LORDS].—Read the third time, and passed, with Amendments 772

Glasgow Corporation Bill [LORDS].—As amended, considered; to be read the third time 772

Colne Valley Water Bill [LORDS] (BY ORDER).—As amended, considered; Amendments made. Bill to be read the third time 772

Kilmarnock Corporation Water Order Confirmation Bill.—Considered; to be read the third time upon Wednesday 772

MESSAGE FROM THE LORDS.—That they have agreed to: Post Office Sites Bill, with an Amendment. Probation of Offenders (No. 2) Bill, with Amendments. Amendments to: Aberdeen Corporation Electricity Bill [Lords]. National Trust for Places of Historic Interest or Natural Beauty Bill [Lords], without Amendment.

That they have passed a Bill, intituled, "An Act to amend the Law with respect to the Assessment of Damages under the Fatal Accidents Acts" [Fatal Accidents (Damages) Bill [Lords].

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Also, a Bill, intituled, "An Act to amend the Law with respect to Vaccination in Scotland by authorising a statutory declaration of conscientious objection." [Vaccination (Scotland) Bill [Lords.]

And also, a Bill, intituled, "An Act to amend the Merchant Shipping Acts, 1894 to 1906." [Merchant Shipping Acts Amendment Bill [Lords.]

That they request that this House will be pleased to communicate to their Lordships a copy of the Report from the Select Committee appointed by this House on the Merchant Shipping (Tonnage Deduction for Propelling Power) Bill; together with the Proceedings of the Committee and Minutes of Evidence 773

PETITIONS.

Licensing Acts.—Petition from Carlisle, for alteration of law; to lie upon the Table 773

RETURNS, REPORTS, ETC.

Tramway Orders.—Copy presented, of Report of the Board of Trade of their proceedings under the Tramways Act, 1870, during the Session of 1907 [by Command] to lie upon the Table 773

Merchant Shipping Acts, 1894–1906 (Vessels Detained).—Copy presented, of Return of all ships ordered by the Board of Trade or its officers, during the period from 1st July, 1906, to 30th June, 1907, to be provisionally detained as unsafe, together with Summaries, etc. [by Command]; to lie upon the Table 773

Superannuation Act, 1884.—Copy presented, of Treasury Minute, dated 7th August, 1907, declares that John Crabtree, Steam Hammer Driver, Royal Gun Factory, War Office, was appointed without a Civil Service Certificate through inadvertence on the part of the Head of his Department [by Act]; to lie upon the Table 773

Superannuation Act, 1887.—Copy presented, of Treasury Minute, dated 6th August, 1907, granting to James Trotman Dean, Chief Clerk, Engineer-in-Chief's Department, Post Office, a retiring allowance under the Act [by Act]; to lie upon the Table 774

Supreme Court of Judicature.—Account presented, of Receipts and Expenditure of the Paymaster-General on behalf of the Supreme Court of Judicature in respect of the Funds of suitors of the Court in the year ended 28th February, 1907, and of Account of the National Debt Commissioners for the same period in respect of funds held by them on behalf of the Supreme Court of Judicature with the Report of the Comptroller and Auditor-General thereon [by Act]; to lie upon the Table, and to be printed. [No. 297] .. 774

Imperial Institute (Indian Section).—Copy presented, of Annual Report of the Imperial Institute [Indian Section] for the year 1906–7 (by Command); to lie upon the Table 774

Local Taxation Licences, etc., 1906–7.—Return presented, relative thereto [ordered 25th July; *Dr. Macnamara*]; to lie upon the Table, and to be printed. [No. 298] 774

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TECHNICAL EDUCATION (AGRICULTURE, ETC.) (SCOTLAND).—Return presented, relative thereto [ordered 30th May; *Mr. Munro Ferguson*]; to lie upon the Table 774

CASUALTIES TO SHIPS.—Return presented, relative thereto [ordered 29th April; *Mr. Bellairs*]; to lie upon the Table, and to be printed. [No. 299.] .. 774

TRADE REPORTS (ANNUAL SERIES).—Copies presented, of Diplomatic and Consular Reports, Annual Series, Nos. 3891 to 3896 [by Command]; to lie upon the Table 774

TRANSVAAL.—Copy presented, of the Transvaal Loan Act, 1907, with Papers respecting the Finances of the Colony [by Command]; to lie upon the Table 775

LONDON (EQUALISATION OF RATES) ACT, 1894 (ACCOUNTS UNDER SECTION 1 (7) OF THE ACT).—Return ordered, "showing, according to the accounts for the twelve months preceding the 31st day of March, 1907, furnished to the Local Government Board under Section 1 (7) of the London (Equalisation of Rates) Act, 1894—(1) The amounts paid during the year out of the Equalisation Fund under the Act to the Corporation of the City of London and each of the Councils of the Metropolitan Boroughs to whom payments out of that fund were made; (2) The amount of the expenses incurred during the year by each of these authorities (a) under the Public Health (London) Act, 1891 (including expenses of scavenging streets); (b) in respect of lighting; and (c) in respect of streets (other than the expenses of scavenging); and (3) The amount expended during the year by each such authority out of the sums received by them under the Act (in continuation of Parliamentary Paper, No. 375, of Session 1906)."—(*Dr. Macnamara.*) .. 775

POOR RELIEF (ENGLAND AND WALES).—Copy ordered of "Statement of the amount expended by Boards of Guardians for Poor Relief during the half-year ended Lady-Day 1907; and similar statement for the half-year ended Michaelmas, 1907 (in continuation of Parliamentary Paper No. 315, of Session 1906)."—(*Dr. Macnamara*) 775

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

GRANTING OF PROBATE BY INLAND REVENUE AUTHORITIES.—Question, Mr. Swift MacNeill (Donegal, S.); Answer, Mr. Runciman 775

THE SUEZ CANAL DIRECTORS.—Question, Mr. Brigg (Yorkshire, W.R., Keighley); Answer, Sir Edward Grey 776

CLAIM AGAINST UNITED STATES GOVERNMENT FOR DAMAGES TO STEAMER "EASTRY."—Question, Mr. F. E. Smith (Liverpool, Walton); Answer, Sir Edward Grey 777

EXCLUSION OF CHILDREN FROM HAWKWELL SCHOOL, ESSEX.—Question, Mr. Whitehead (Essex, S.E.); Answer, Mr. McKenna 778

UPKEEP OF ROADS IN SCOTLAND—GRANTS FROM MOTOR CAR LICENCE FEES.—Question, Mr. Ainsworth (Argyleshire); Answer, Mr. Sinclair 778

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TRANSVAAL AND ORANGE RIVER COLONIES—CLAIM FOR CUSTOMS REBATES.—Question, Mr. R. D. Holt (Northumberland, Hexham); Answer, Mr. Churchill 779

SOUTH AFRICAN COMPENSATION CLAIM—CASE OF MR. KEEVE.—Question, Mr. E. Cochrane (Ayrshire, N.); Answer, Mr. Churchill 780

REORGANISATION OF AUDIT OFFICE STAFF.—Question, Mr. Field; Answer, Mr. Runciman 780

PROMOTION IN THE CUSTOMS SERVICE.—Question, Mr. Field; Answer, Mr. Runciman 781

IRISH LAND PURCHASE ACT RULES.—Question, Mr. Fetherstonhaugh (Fermanagh, N.); Answer, Mr. Runciman 781

ROYAL MARINES—RATIONS FOR MARRIED MEN.—Question, Mr. Mildmay (Devonshire, Totnes); Answer, Mr. Lambert 781

POST OFFICE—SALARY OF CHIEF MEDICAL OFFICER.—Question Mr. Hunt (Shropshire, Ludlow); Answer, Mr. Sydney Buxton 782

COAL BORINGS ON COMMON LAND AT ASHDOWN FOREST.—Question, Mr. Cowan (Surrey, Guildford); Answer, Sir Edward Strachey 782

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PURCHASE OF HOLDINGS BY TENANTS ON LAWLOR ESTATE.—Question, Mr. John Murphy; Answer, Mr. Birrell 786

EVICTED TENANTS—CLAIM OF MRS. M. D. HERLIHY.—Question, Mr. John Murphy; Answer, Mr. Birrell 787

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Provision of Additional Accommodation for School at Ballyforan.—Question Mr. John Murphy; Answer, Mr. Birrell 788

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HOUSE LETTING IN SCOTLAND.—Question, Mr. Laidlaw (Renfrewshire, E.); Answer, Mr. Sinclair 804

COOTE ESTATE, ELPHIN, ROSCOMMON.—Question, Mr. James O'Kelly (Roscommon, N.); Answer, The Chief Secretary for Ireland (Mr. Birrell, Bristol, N.) 804

PROTESTANT BOYS IN BELFAST ROMAN CATHOLIC SCHOOL—Question, Captain Craig (Down, E.); Answer, Mr. Birrell 805

IRISH UNTENANTED LAND.—Question, Mr. Lonsdale; Answer, Mr. Birrell .. 805

DICKENS' ESTATE, BALLYBROOD, LIMERICK.—Question, Mr. Lundon (Limerick, E.); Answer, Mr. Birrell 806

THE SECRETARY FOR SCOTLAND.—Questions, Mr. Byles (Salford, N.), Viscount Castlereagh (Maidstone), Viscount Turnour; Answers, The Prime Minister and First Lord of the Treasury (Sir H. Campbell-Bannerman, Stirling Burghs) 807

THE SITTINGS OF PARLIAMENT.—Question, Mr. Byles; Answer, Sir H. Campbell-Bannerman 807

EXPIRING LAWS CONTINUANCE BILL.—Question, Mr. Mildmay (Devonshire, Totnes); Answer, Sir H. Campbell-Bannerman 808

THE TRANSVAAL LOAN.—Question, Sir Gilbert Parker; Answer, Sir H. Campbell-Bannerman 808

Petty Sessions Clerks (Ireland) Bill—Lords Amendments to be considered forthwith; considered, and agreed to 808

Merchant Shipping (Tonnage Deduction for Propelling Power) Bill.—Lords' Message, requesting a copy of the Report from the Select Committee appointed by this House on the Merchant Shipping (Tonnage Deduction for Propelling Power) Bill, together with the Proceedings of the Committee and Minutes of Evidence, considered:—

Printed copy to be communicated 808

NEW BILL.

Public Works Loans Bill.—"To grant money for the purpose of certain local loans out of the local loans fund; and for other purposes relating to local loans," presented by Mr. Runciman; to be read a second time to-morrow, and to be printed. [Bill 310] 808

Small Holdings and Allotments Bill.—As amended (by the Standing Committee), considered.

Mr. Chaplin (Surrey, Wimbledon) 808

Amendment proposed—

"In page 1, line 8, to leave out from beginning of line to end of line 13, and insert the words, 'The Board of Agriculture and Fisheries (hereinafter referred to as the Board) shall appoint such inspectors for the purposes of this Act, to be called small holdings inspectors (hereinafter referred to as the inspectors).'"—(*Mr. Chaplin.*)

Question proposed, "That the words proposed to be left out, to the word 'shall,' in page 1, line 10, stand part of the Bill."

The First Commissioner of Works (Mr. Harcourt, Lancashire, Rossendale) 810
Mr. Hicks Beach (Gloucestershire, Tewkesbury) 811
Mr. Lane-Fox (Yorkshire, W.R., Barkston Ash) 811
Mr. A. J. Balfour (City of London) 812
The Solicitor-General (Sir W. Robson, South Shields) 813
Mr. Jesse Collings (Birmingham, Bordesley) 814
Colonel Kenyon-Slaney (Shropshire, Newport) 814
Mr. George Faber (York) 815
Mr. Mildmay (Devonshire, Totnes) 816
Mr. Harcourt 816
Sir F. Banbury (City of London) 816
Mr. Chaplin 817
Viscount Turnour (Sussex, Horsham) 817
Viscount Helmsley (Yorkshire, W.R., Thirsk) 818
Mr. Lupton (Lincolnshire, Sleaford) 818
Mr. Clavell Salter (Hampshire, Basingstoke) 818

Question put.

The House divided:—Ayes, 159; Noes, 51. (Division List No. 401.)

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Mr. Chaplin .. 821
Mr. Harcourt .. 827
Mr. Hicks Beach (Gloucestershire, Tewkesbury) .. 831
Mr. Beckett (Yorkshire, W.R., Whitby) .. 832

Amendment proposed—

"In page 1, line 24, after the word 'shall' to insert the words 'on the application of any five or more county electors or of the council of any borough or urban or rural district hold a local inquiry to.'" (*Mr. Hicks Beach.*)

Question proposed, "That those words be there inserted."

Sir W. Robson .. 832
Mr. Chaplin .. 833
Mr. Stanley Wilson (Yorkshire, E.R., Holderness) .. 833
Mr. Essex (Gloucestershire, Cirencester) .. 834
Mr. Austen Chamberlain (Worcestershire, E.) .. 835
Mr. Gibbs (Bristol, W.) .. 835
Mr. Courthope (Sussex, Rye) .. 835
Mr. Lambton (Durham, S.E.) .. 836
Colonel Kenyon-Slaney .. 837
Mr. Godfrey Baring (Isle of Wight) .. 837
Mr. Bridgeman (Shropshire, Oswestry) .. 838
Mr. Winfrey (Norfolk, S.W.) .. 839
Mr. Jesse Collings (Birmingham, Bordesley) .. 839
Mr. George Roberts (Norwich) .. 840
Mr. Leif Jones (Westmoreland, Appleby) .. 841
Sir F. Banbury (City of London) .. 842

Question put.

The House divided:—Ayes, 62; Noes, 221. (Division List No. 402.)

Mr. Courthope .. 845
Mr. Lane-Fox (Yorkshire, W.R., Barkston Ash) .. 846

Amendment proposed—

"In page 1, lines 24 and 25, to leave out the words 'either actual or prospective.'"—(*Mr. Courthope.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Harcourt .. 847
Mr. Chaplin .. 848
Mr. Leif Jones .. 848
Mr. Austen Chamberlain .. 849
Sir W. Robson .. 849
Mr. George Faber .. 850
Mr. Stanley Wilson .. 851
Colonel Kenyon-Slaney .. 852
Mr. Vivian (Birkenhead) .. 852
Mr. E. Gardner (Berks. Wokingham) .. 853

Question put.

The House divided—Ayes, 216; Noes, 63. (Division List No. 403.)

Mr. Harcourt 855

Amendment proposed—

"In page 2, line 3, after the word 'purpose,' to insert the words 'shall confer with the county councils and.' "—(*Mr. Harcourt.*)

Question proposed, "That those words be there inserted."

Mr. Austen Chamberlain 855
Mr. Harcourt 857

Amendment agreed to.

Viscount Morpeth (Birmingham, S.) 857
Mr. Courthope 858

Amendment proposed—

"In page 2, lines 3 and 4, to leave out the word 'employ or.' "—(*Viscount Morpeth.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Sir W. Robson 858
Mr. Austen Chamberlain 858
Mr. Jesse Collings 859
Mr. Winfrey 860
Mr. Chaplin 861
Viscount Helmsley (Yorks. N.R., Thirsk) 862
Mr. Gibbs (Bristol, W.) 862
Mr. Verney (Bucks, N.) 863
Mr. Clavell Salter 863

Question put.

The House divided:—Ayes, 209; Noes, 57. (Division List No. 404.)

Amendment proposed—

"In page 2, line 4, to leave out the word 'associations.' "—(*Mr. Chaplin.*)

Question proposed, "That the word 'associations' stand part of the Bill."

Mr. Austen Chamberlain 867
Mr. Maddison (Burnley) 868
Mr. Arthur Henderson (Durham, Barnard Castle) 869
Mr. Courthope 869
Mr. Everett (Suffolk, Woodbridge) 870
Mr. George Faber 870
Mr. Lupton (Lincs., Sleaford) 871
Mr. Chaplin 871

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Question put.

The House divided :—Ayes, 195 ; Noes, 44. (Division List No. 405.)

Mr. Lane Fox 875
Mr. Bridgman 875

Amendment proposed—

"In page 2, line 21, after the word 'urban,' to insert the words 'or rural.'"—(*Mr. Lane-Fox*).

Question proposed, "That those words be there inserted."

Mr. Harcourt 875
Mr. Hicks Beach 875
Mr. Lane-Fox 876

Amendment, by leave, withdrawn.

Viscount Morpeth 876
Mr. Hicks Beach 878

Amendment proposed—

"In page 2, line 23, to leave out Subsection (1) of Clause 3, and insert the words—'(1) When the Board state or the county council are of opinion that it is desirable that a scheme shall be made, the county council may prepare one or more draft schemes for the provision of small holdings in their county.'"—(*Viscount Morpeth.*)

Question proposed. "That the words proposed to be left out, to the word 'after,' in page 2, line 23, stand part of the Bill."

Mr. Harcourt 879
Mr. Bridgeman 880
Mr. Lane-Fox 880

Question put.

The House divided :—Ayes, 208 ; Noes, 46. (Division List No. 406.)

Mr. Cave 883

Amendment proposed—

"In page 2, line 27, to leave out the word 'modifications,' and to insert the word 'observations.'"—(*Mr. Cave.*)

Question proposed, "That the word 'modifications' stand part of the clause."

Mr. Harcourt 883

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 2, line 27, after the word 'modifications,' to insert the words 'or observations.'"—(*Mr. Cave.*)

Question, "That those words be there inserted," put, and agreed to.

Amendment proposed—

"In page 2, line 30, to leave out the words from 'aforesaid' to the end of the subsection.'"—(*Mr. George Faber.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

Amendment, by leave, withdrawn.

Mr. Bridgeman 885

Amendment proposed—

"In page 2, line 31, to leave out the words 'if any.'"—(*Mr. Bridgeman.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Harcourt 885

Amendment by leave, withdrawn.

Mr. Lane-Fox 886

Amendment proposed—

"In page 2, line 33, to leave out Subsection (2)."—(*Mr. Lane-Fox.*)

Question proposed "That the words of the subsection to the word 'to' in line 33 stand part of the Bill.'"

Sir W. Robson 886
Mr. Chaplin 886

Question put.

The House divided :—Ayes, 215 ; Noes, 54. (Division List No. 407.)

Amendment proposed—

"In page 2, lines 23 and 24, to leave out the words 'after considering the report and such representations as aforesaid, as respects any county.'"—(*Mr. Chaplin.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

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Mr. A. J. Balfour 889

Amendment agreed to.

Amendments proposed—

"In page 3, line 1, to leave out the word 'amount,' and insert the word 'quantity.'"

"In page 3, line 7, to leave out the word 'amount,' and insert the word 'quantity.'"—(*Mr. Harcourt.*)

Amendments agreed to.

Amendment proposed—

"In page 3, line 30, after the word 'and' to insert the words 'may in any case.'"—(*Mr. Harcourt.*)

Question proposed, "That those words be there inserted."

Mr. Harcourt 890

Amendment agreed to.

Mr. A J. Balfour 890

Amendment proposed—

"In page 4, line 1, to leave out Clause 5."

Question proposed, "That the words proposed to be left out to the word 'on' in page 4, line 1, stand part of the Bill."

Mr. Harcourt 893
Sir J. Dickson-Poynder (Wilts., Chippenham) 893
Mr. Courthope 894
Mr. Adkins (Lancashire, Middleton) 894
Mr. Cave 895
Mr. Harcourt 895
Mr. Wedgwood (Newcastle-under-Lyne) 896
Mr. Chaplin 897
The Chancellor of the Exchequer (Mr. Asquith, Fifeshire, E.) .. 898
Mr. Hicks Beach 898

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 4, line 17, after the word 'scheme,' to insert the words 'and to be properly payable by the county council.'"—(*Mr. Cave.*)

Question proposed, "That those words be there inserted."

Mr. Austen Chamberlain 898

And, it being half-past Ten of the clock, Mr. SPEAKER proceeded, pursuant to the Order of the House of the 9th August, to put forthwith the Question on the Amendment already proposed from the Chair.

Question put, and agreed to.

Bill, as amended, to be further considered To-morrow.

Education (Administrative Provisions) Bill.—As amended (by the Standing Committee), considered.

Mr. Harmood-Banner (Liverpool, Everton) 899
Mr. Rawlinson (Cambridge University) 900
Mr. Harmood-Banner 901

Amendment proposed—

"In page 3, line 4, to omit Clause 3."

Question proposed, "That the words proposed to be left out stand part of the Bill."

Viscount Morpeth 901

Amendment proposed—

"In page 3, line 31, to leave out Clause 5."—(*Viscount Morpeth.*)

Question proposed, "That the words proposed to be left out to the word 'as' in page 3, line 34, stand part of the Bill."

The President of the Board of Education (Mr. McKenna, Monmouthshire, N.) 902
Sir William Anson (Oxford University 902
Lord R. Cecil (Marylebone, E.) 903
Mr. McKenna 903
Mr. Adkins 903

Amendment negatived.

Mr. Adkins 904

Amendment proposed—

"In page 3, line 34, after the word 'raised' to insert the words 'on audit.'"

Question proposed, "That those words be there inserted."

Question put, and agreed to.

Mr. George White (Norfolk, N.W.) .. 904

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Amendment proposed—

> "In page 4, line 28, after the word 'children' to insert the words 'on condition that the local authority shall appoint one-third of the governing body.'"

Question proposed, "That those words be there inserted."

Sir William Anson 905
Viscount Morpeth 905
Mr. McKenna 905
Sir Henry Craik (*Glasgow and Aberdeen Universities*) 905
Lord R. Cecil 906
Mr. Walter Long (*Dublin, S.*) 907
Mr. Adkins 907
Mr. A. J. Balfour 907
Mr. Walters (*Sheffield, Brightside*) 908
Mr. Courtney Warner (*Staffordshire, Lichfield*) 908
Mr. Wedgwood 908
Mr. Byles (*Salford, N.*) 909
Mr. McKenna 910

Amendment proposed—

> "In page 4, line 35, to leave out Subsection (1)."—(*Mr. McKenna.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Amendment agreed to.

Amendment proposed—

> "In page 5, line 13, at the end, to add the words 'and the words "ordinarily resident in the area of the council," in subsection two of section twenty-three of The Education Act, 1902, are hereby repealed.'"—(*Mr. McKenna.*)

Question, "That those words be there inserted, put, and agreed to.

Sir Henry Craik 910

Amendment proposed—

> "In page 5, line 25, after the first 'the,' to insert the words 'power, and where required by the Board of Education, the.'"—(*Sir Henry Craik.*)

Question proposed, "That those words be there inserted."

Mr. McKenna 911
Sir Francis Powell (*Wigan*) 912
Sir William Anson 912
Mr. Wadsworth (*Yorks, W.R., Hallamshire*) 912
Mr. McKenna 913

Question put, negatived.

Sir Philip Magnus (*London University*) 913

Amendment proposed—

"In page 5, line 33, after the word 'schools' to insert the words 'and for instituting a system of periodic measurement of the children which will afford definite information on their physical condition and development.'"—(*Sir Philip Magnus.*)

Question proposed, "That those words be there inserted."

Sir W. J. Collins (*St. Pancras, W.*) 915
Mr. Butcher (*Cambridge University*) 915
Mr. McKenna 917

Amendment negatived.

Mr. Lane-Fox 917
Viscount Turnour 918

Amendment proposed—

"In page 5, line 33, at the end, to add the words, 'Provided that the cost of any treatment consequent upon the medical inspection shall be charged against and recovered from the parent as an expense under Section 2 of the Education (Provision of Meals) Act, 1906.'"—(*Mr. Lane-Fox.*)

Question proposed, "That those words be there inserted in the Bill."

Mr. McKenna 919
Sir F. Banbury 919
Mr. Rees (*Montgomery Boroughs*) 920
Sir William Anson 920
Mr. McKenna 921
Lord Robert Cecil 921
Mr. Walters 921
Mr. Butcher 922
Mr. Courthope 922
Mr. Walter Long 923
Mr. Alden (*Middlesex, Tottenham*) 924
Mr. Lane-Fox 924

Proposed Amendment amended by inserting the word "treatment," the words—

"Conducted outside the precincts of the schools, and."—(*Mr. Lane-Fox.*)

Question put, "That those words, as amended, be there inserted in the Bill."

The House divided :—Ayes, 39; Noes, 149. (Division List No. 408.)

Amendment proposed—

"In page 5, line 37, at end, to add, '(2) This section shall come into operation on the first day of January, nineteen hundred and eight.'"—(*Mr. McKenna.*)

Question, "That those words be there added," put, and agreed to.

Amendment proposed—

"In Schedule, page 7, line 27, at the end, to insert—

"2 Edw. 7, c. 42	The Education Act, 1902.	The words 'ordinarily resident in the area of the Council,' in sub-section two of section twenty-three." — (*Mr. McKenna.*)

Question, "That those words be there added," put, and agreed to.

Bill read the third time and passed.

Qualification of Women (County and Borough Councils) Bill [LORDS].—Order for Second Reading, read.

The President of the Local Government Board (*Mr. John Burns, Battersea*) 927

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. Walter Long 929
Mr. Harmood-Banner 929
Mr. Dunn (*Cornwall, Camborne*) 932
Viscount Helmsley 932
Mr. S. T. Evans (*Glamorganshire, Mid*) 933
Viscount Turnour (*Sussex, Horsham*) 935
Mr. Arthur Henderson (*Durham, Barnard Castle*) 936
Mr. Markham (*Nottinghamshire, Mansfield*) 936
Dr. Shipman (*Northampton*) 937
Mr. Bridgeman (*Shropshire, Oswestry*) 938
Mr. Hicks Beach 939
Mr. Rawlinson 940

Question put, "That the Bill be now read a second time."

The House divided :—Ayes, 132 ; Noes, 13. (Division List No. 409.)

Bill read a second time.

Bill committed to a Committee of the Whole House for to-morrow (Tuesday).—(*Mr. John Burns.*)

Qualification of Women (County and Town Councils) (Scotland) Bill [LORDS].

Order for Second Reading read.

Page
The Secretary for Scotland (Mr. Sinclair) 941

Motion made, and Question proposed, "That the Bill be now read a second time."

Viscount Turnour 942

Question put, and agreed to.

Bill read a second time and committed to a Committee of the Whole House for to-morrow (Tuesday).

TRANSVAAL LOAN GUARANTEE.

Considered in Committee.

(In the Committee.)

Motion made, and Question proposed, "That it is expedient to authorise the Treasury to guarantee, on the security of the Consolidated Fund, the interest of a Loan to be raised by the Colony of the Transvaal, not exceeding in the aggregate an amount sufficient to raise £5,000,000 and the principal of any such Loan by means of the guarantee of Sinking Fund payments, and also to guarantee the payment of any sums temporarily raised by the Colony of the Transvaal in anticipation of the Loan, with interest thereon."

Sir A. Acland-Hood (Somerset, Wellington) 943
The Under-Secretary of State for the Colonies (Mr. Churchill, Manchester, N.W.) 943
Mr. Harmood Banner 944
Viscount Turnour 944

Question put, and agreed to.

Resolution to be reported to-morrow (Tuesday).

Whereupon Mr. SPEAKER, pursuant to the Order of the House of the 26th day of July last, adjourned the House without Question put.

Adjourned at four minutes after Two.

HOUSE OF LORDS: TUESDAY, 13TH AUGUST, 1907.

HIGH COURT OF JUSTICE (KING'S BENCH DIVISION).—The King's answer to the Address of the 29th of July last, reported by the Lord Steward as follows:—"I have received your Address praying that, in pursuance of the eighteenth section of the Appellate Jurisdiction Act, 1876, an additional Judge may be appointed to the High Court of Justice in the King's Bench Division thereof, and I will issue directions in accordance with your desire" 945

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PRIVATE BILL BUSINESS.

Alexandra (Newport and South Wales) Docks and Railways (Additional Capital, etc.) Bill.—Reported, with Amendments 945

Aberdeen Harbour Order Confirmation Bill [H.L.]; Dumbarton Burgh Order Confirmation Bill [H.L.].—Read 3ª (according to Order), and passed, and sent to the Commons 945

Oxford and District Tramways Bill [H.L.].—Returned from the Commons agreed to, with Amendments: The said Amendments considered, and agreed to 945

Petty Sessions Clerks (Ireland) Bill.—Returned from the Commons with the Amendments agreed to 945

Dumbarton Burgh and County Tramways Order Confirmation Bill [H.L.].—Read 3ª (according to Order). An Amendment made; Bill passed, and sent to the Commons 945

Armagh Urban District Council Bill.—Order of the Day read for the consideration of the Report from the Standing Orders Committee and for resuming the adjourned debate on the Amendment moved after Third Reading.

The Earl of Donoughmore 945

Amendment, by leave, withdrawn.

Moved, "That the Amendment of the Standing Orders Committee be agreed to."—(*The Earl of Donoughmore.*)

On Question, Motion agreed to.

Bill passed, and returned to the Commons.

PETITIONS.

SMALL LANDHOLDERS (SCOTLAND) BILL.—Petition against: Of East Lothian Land and Property Defence Association; and Fife Land Defence Association; read, and ordered to lie on the Table 946

BUTTER AND MARGARINE BILL.—Petitions to be heard by Counsel for amendment of: Of Bridgwater and District Grocers' and Provision Merchants' Association; St. Albans Grocers' Association; and North Staffordshire Wholesale Grocers' Association; read, and ordered to lie on the Table .. 946

MERCHANT SHIPPING (TONNAGE DEDUCTION FOR PROPELLING POWER) BILL.—Petition to be heard by Counsel against: Of Furness Railway Company; read, and ordered to lie on the Table 946

EDUCATION.—Petitions against any legislation on the lines of the Education (England and Wales) Bill, 1906: Of Annual meeting of Governors of Wiggonby School at Aikton, Cumberland; Annual meeting of Clergy and Laity of Rural Deanery of Wigton, Cumberland; Annual Meeting of Managers of Biglands Church of England School; Annual meeting of Aikton Habitation of Primrose League; and Annual meeting of Parish of Aikton; read, and ordered to lie on the Table 946

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RETURNS, REPORTS, ETC.

BOARD OF EDUCATION.—Regulations under which grants for the building of new public elementary schools in England and Wales will be made by the Board of Education after the passing of the Appropriation Act, 1907, during the year ending 31st March, 1908 947

TRADE REPORTS—ANNUAL SERIES.

No. 3897. Siam (Chiengmai).
No. 3898. China (Canton) 947

INDIA (PLAGUE).—Correspondence regarding measures for the prevention of plague 947

RAILWAY ACCIDENTS.—General Report to the Board of Trade upon the accidents that have occurred on the railways of the United Kingdom during the year 1906 947

LOCAL GOVERNMENT BOARD (IRELAND).—Annual Report for the year ended 31st March, 1907 947

INEBRIATES ACTS 1879 TO 1900.—Report of the Inspector under the Inebriates Acts, 1879 to 1900, for the year 1906 947

COAST EROSION (ROYAL COMMISSION).—First Report of the Commissioners appointed to inquire into and report on certain questions affecting coast erosion and the reclamation of tidal lands in the United Kingdom—Part I., Report. Part II., Minutes of Evidence and Appendices 947

INLAND REVENUE.—Fiftieth Report of the Commissioners of His Majesty's Inland Revenue for the year ended 31st March, 1907.

Presented (by Command), and ordered to lie on the Table 947

QUEEN'S COLLEGE (CORK).—Amended statutes of Queen's College, Cork 947

ARMY (PENSIONS).—Return for the year ended 31st March, 1907, of pensions specially granted under Articles 730, 1173A, and 1207 of the Pay Warrant: Laid before the House (pursuant to Act), and ordered to lie on the Table .. 948

Education (Administrative Provisions) Bill.—Brought from the Commons. Read 1ª, and to be printed. [No. 172] 948

Vaccination Bill.—Amendment reported (according to Order), and Bill to be read 3ª on Thursday next 948

The Lord LAMINGTON—Took the Oath.

Small Landholders (Scotland) Bill [SECOND READING].—Order of the Day for the Second Reading read.

The Lord Chancellor (*Lord Loreburn*) 948

Moved, "That the Bill be now read 2ª."—(*The Lord Chancellor.*)

Lord Balfour of Burleigh 957

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Amendment moved—

"To leave out all the words after 'That' and insert 'This House, while anxious to encourage the formation of small holdings under reasonable conditions, and to consider favourably such fair Amendment of the Acts relating to the tenure of crofter holdings as experience may have shown to be necessary, deprecates an indiscriminate and universal extension of the crofting system, sees no justification for establishing in Scotland a Land Court on the Irish model, and declines to proceed with a Bill which introduces into the agricultural districts of Scotland the evils which are inseparable from any system of divided ownership in land.'"—(*Lord Balfour of Burleigh.*)

First Lord of the Admiralty (*Lord Tweedmouth*) 976
The Earl of Rosebery 979
Lord Saltoun 998
The Marquess of Huntly 1004
The Earl of Aberdeen 1007
Lord Lovat 1011
Earl Cawdor 1018
Lord Clinton 1025
Lord Borthwick 1031

Debate adjourned till to-morrow, and to be taken first.

House adjourned at twenty-five minutes past Eleven o'clock, till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS: TUESDAY, 13TH AUGUST, 1907.

The House met at a quarter before Three of the Clock.

NEW WRIT.—New Writ for the County of Anglesey, in the room of Ellis Jones Griffith, esq., Recorder of the Borough of Birkenhead.—(*Mr. Whiteley*) .. 1035

PRIVATE BILL BUSINESS.

London County Council (Tramway and Improvements) Bill.—Lords' Amendments considered, and agreed to 1035

Renfrewshire Upper District (Eastwood and Mearns) Water Bill [LORDS].—Read the third time, and passed, with Amendments .. 1035

Leith Burgh Order Confirmation Bill (BY ORDER).—Lords' Amendments considered, and agreed to 1035

MESSAGE FROM THE LORDS.—That they have agreed to: Neath, Pontardawe, and Brynaman Railway Bill, without Amendment.

Butter and Margarine Bill; North Staffordshire Railway Bill.—with Amendments.

Amendments to: City of London (Union of Parishes) Bill [Lords], without Amendment 1035

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PETITIONS.

CONGO FREE STATE.—Petition from Weston-super-Mare, for protection of the Native races; to lie upon the Table 1036

SMALL LANDHOLDERS (SCOTLAND) BILL.—Petition from Linlithgowshire, for alteration; to lie upon the Table 1036

LIQUOR TRAFFIC (LOCAL OPTION) (SCOTLAND) BILL.—Petition from Blairgowrie, in favour; to lie upon the Table 1036

SALE OF INTOXICATING LIQUORS ON SUNDAY.—Petition from Shepherds Bush, for prohibition; to lie upon the Table 1036

WEEKLY REST-DAY BILL.—Petitions in favour: From Peckham; and Pirbright; to lie upon the Table 1036

RETURNS, REPORTS, ETC.

RAILWAY ACCIDENTS.—Copy presented, of General Report to the Board of Trade upon the Accidents that have occurred on the railways of the United Kingdom during the year 1906, [by Command]; to lie upon the Table .. 1036

TRAMWAYS AND LIGHT RAILWAYS (STREET AND ROAD).—Return presented, relative thereto [ordered 17th April; *Mr. Lloyd-George*]; to lie upon the Table, and to be printed. [No. 301.] 1036

ARMY (SPECIAL PENSIONS).—Return presented, for the year ended 31st March, 1907, of Pensions specially granted under Articles 730, 1173A, and 1207 of the Pay Warrant [by Command]; to lie upon the Table 1036

BOARD OF EDUCATION.—Copy presented, of Regulations under which grants for the building of new Public Elementary Schools in England and Wales will be made by the Board of Education, after the passing of the Appropriation Act, 1907, during the year ending 31st March, 1908 [by Command]; to lie upon the Table 1036

LOCAL GOVERNMENT BOARD (IRELAND).—Copy presented, of Annual Report of the Local Government Board for Ireland, for the year ended 31st March, 1907 [by Command]; to lie upon the Table 1037

COAST EROSION (ROYAL COMMISSION).—Copy presented, of First Report of the Commissioners appointed to inquire into and report on certain questions affecting Coast Erosion and the Reclamation of Tidal Lands in the United Kingdom. Part I., Report. Part II., Minutes of Evidence and Appendices [by Command]; to lie upon the Table 1037

INEBRIATES ACTS (INSPECTORS' REPORT.)—Copy presented of Report of the Inspectors under the Inebriates Acts, 1879 to 1900, for the year 1906 [by Command]; to lie upon the Table 1037

QUEEN'S COLLEGE (CORK).—Copy presented, of Amended Statutes of Queen's County, Cork [by Act]; to lie upon the Table 1037

INLAND REVENUE.—Copy presented, of Fiftieth Report of the Commissioners, for the year ended 31st March, 1907 [by Command]; to lie upon the Table .. 1037

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EAST INDIA (PLAGUE).—Copy presented, of Correspondence regarding Measures for the Prevention of Plague [by Command]; to lie upon the Table .. 1037

TRADE REPORTS (ANNUAL SERIES).—Copy presented, of Diplomatic and Consular Reports, Annual Series, Nos. 3897 and 3898 [by Command]; to lie upon the Table 1037

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PUBLIC WORKS LOANS BILL.—Return presented, relative thereto [ordered 13th August, ; *Mr.Runciman*]; to lie upon the Table, and to be printed. [No. 304.] 1038

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Butter and Margarine Bill.—Lords' Amendments to be considered upon Friday, and to be printed. [Bill 312] 1074

Public Works Loans [Remission, etc.].—Committee to consider of authorising the extension of the period for repayment of certain Loans made by the Commissioners of Public Works in Ireland, and of authorising the remission of a debt due to the Public Works Loan Commissioners, in pursuance of any Act of the present session, to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans (King's recommendation signified), To-morrow (*Mr. Runciman* 1074

Employers' Liability (Insurance Companies) Bill.—Reported, with Amendments, from Standing Committee C.

Report to lie upon the Table, and to be printed. [No. 303.]

Minutes of the Proceedings of the Standing Committee to be printed. [No. 303.]

Bill, as amended (by the Standing Committee), to be taken into consideration To-morrow, and to be printed. [Bill 311.] 1074

Selection (Standing Committees).—Sir William Brampton Gurdon reported from the Committee of Selection; That they had discharged the following Member from Standing Committee C: Mr. Munro Ferguson; and had appointed in substitution: Mr. Rufus Isaacs.

Sir William Brampton Gurdon further reported from the Committee; That they had discharged the following Members from Standing Committee C (in respect of the Companies Bill [Lords]): Mr. Thornton, Earl Percy, and Mr. Pickersgill; and had appointed in substitution (in respect of the Companies Bill [Lords]): Mr. Hills, Mr. Fell, and Mr. Berridge.

Sir William Brampton Gurdon further reported from the Committee; That they had added the following Member to Standing Committee C: Mr. Cave.

Reports to lie upon the Table. 1075

NEW BILL.

Expiring Laws Continuance Bill.—"To continue various Expiring Laws," presented by Mr. Runciman; to be read a second time To-morrow, and to be printed. [Bill 313] 1075

Small Holdings and Allotments Bill.—As amended (by the Standing Committee), further considered.

Mr. Chaplin (*Surrey, Wimbledon*) 1075

Amendment proposed—

"In page 4, line 31, after the word 'persons,' to insert the words 'of the labouring population.'"—(*Mr. Chaplin*).

Question put, "That those words be there inserted."

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The First Commissioner of Works (*Mr. Harcourt, Lancashire, Rossendale*) 1077
Mr. Jesse Collings (*Birmingham, Bordesley*) 1077
Mr. George Faber (*York*) 1077
Mr. E. Gardner (*Berkshire, Wokingham*) 1078
Mr. Chaplin 1079

Amendment, by leave, withdrawn.

Sir J. Dickson-Poynder (*Wiltshire, Chippenham*) 1079
Mr. Bertram (*Hertfordshire, Hitchin*) 1083

Amendment proposed—

"In page 4, line 31, after the word 'lease' to insert the words 'or purchase.'"—(*Sir J. Dickson-Poynder.*)

Question proposed, "That those words be there inserted."

Mr. Harcourt 1088
Mr. Chaplin .. .. — 1089
Mr. Verney (*Buckinghamshire, N.*) 1091
Mr. Leif Jones (*Westmoreland, Appleby*) 1093
Mr. Beckett (*Yorkshire, W.R., Whitby*) 1095
Mr. Summerbell (*Sunderland*) 1096
Mr. Beck (*Cambridgeshire, Wisbech*) 1097
Mr. Jesse Collings (*Birmingham, Bordesley*) 1098
The Solicitor-General (*Sir W. Robson, South Shields*) 1103
Mr. A. J. Balfour (*City of London*) 1105
Mr. Lynch (*Yorkshire, W.R., Ripon*) 1112
Mr. Mildmay (*Devonshire, Totnes*) 1113
Sir J. Dickson-Poynder 1113
Mr. Harcourt 1114

Question put.

The House divided:—Ayes, 84; Noes, 217. (Division List No. 410.)

Colonel Kenyon-Slaney (*Shropshire, Newport*) 1117
Mr. Courthope (*Sussex, Rye*) 1120

Amendment proposed—

"In page 4, line 32, after the word themselves,' to insert the word 'personally.'"—(*Colonel Kenyon-Slaney.*)

Question proposed, "That the word 'personally' be there inserted."

Sir W. Robson 1121
Colonel Kenyon-Slaney 1121

Amendment, by leave, withdrawn.

Mr. Hicks Beach (*Gloucestershire, Tewkesbury*) 1121
Viscount Morpeth (*Birmingham, S.*) 1123

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Amendment proposed—

"In page 4, line 32, to leave out the word 'whether.'"—(*Mr. Hicks Beach.*)

Question proposed, "That the word 'whether' stand part of the Bill."

Sir W. Robson 1124
Mr. Chaplin 1125
Mr. Cave (*Surrey, Kingston*) 1125
Mr. Winfrey (*Norfolk, S.W.*) 1126
Mr. Lane-Fox (*Yorkshire, W.R., Barkston Ash*) 1126
Mr. Courthope 1126
Colonel Kenyon-Slaney 1127

Question put.

The House divided :—Ayes, 216 ; Noes, 42. (Division List No. 411.)
Mr. Masterman (*West Ham, N.*) 1131
Mr. Luttrell (*Devonshire, Tavistock*) 1134

Amendment proposed—

"In page 4, line 35, after the word 'lease,' to insert the words 'provided that the price of the land purchased and the rent of the land taken on lease shall be approved by the Board.'"—(*Mr. Masterman.*)

Question proposed, "That those words be there inserted."

Mr. Harcourt 1135
Mr. Chaplin 1136
Mr. Morrell (*Oxfordshire, Henley*) 1138
Mr. George Faber 1140
Mr. Wedgwood (*Newcastle-under-Lyne*) 1141
Mr. Lane-Fox 1143
Mr. George Roberts (*Norwich*) 1144

Question put.

The House divided :—Ayes, 73 ; Noes, 192. (Division List No. 412).

Mr. Courthope 1147
Mr. Hicks Beach 1148

Amendment proposed—

"In page 4, line 38, to leave out the word 'acquire,' and to insert the word 'purchase.'"—(*Mr. Courthope.*)

Question proposed, "That the word 'acquire' stand part of the Bill."

Mr. Harcourt 1150
Colonel Kenyon Slaney 1151
Mr. Beckett 1152
Mr. Harcourt 1153
Sir F. Banbury (*City of London*) 1153
Viscount Helmsley (*Yorkshire, N.R., Thirsk*) 1155
Mr. Chaplin 1159

Question put.

The House divided:—Ayes, 259; Noes, 63. (Division List No. 413.)

And, it being after half-past Ten of the clock, Mr. SPEAKER proceeded, pursuant to the Order of the House of 9th August, successively to put forthwith the Question upon any Amendments moved by the Government, of which notice had been given.

The following Amendments, proposed by Mr. Harcourt, were made—

> "In page 6, line 12, at end to add the words '(3) This section shall only apply in the case where a small holding has been sold by the county council.'"
>
> "In page 10, line 5, after the word 'that,' to insert the words '(a) The duty of a council under the Allotments Acts, as amended by this Act, to provide allotments shall not include the duty of providing allotments exceeding one acre in extent; and.'"

Bill, as amended (by the Standing Committee), to be further considered To-morrow.

Caledonian Railway Order Confirmation Bill (BY ORDER).—Read the third time, and passed.

York (Micklegate Strays) Bill (LORDS) (BY ORDER). Order for consideration, as amended, read.

Motion made, and Question proposed, "That the Bill, as amended, be now considered."

Mr. Arthur Henderson 1165

Amendment proposed— 1165

Amendment proposed—

> "To leave out from the word 'be,' to the end of the Question, and add the words 're-committed to a Select Committee.'"—(*Mr. Arthur Henderson*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. Morton (Sutherland 1165
Mr. George Faber (York) 1166
Viscount Helmsley 1167
The Chairman of Ways and Means (Mr. Emmott, Oldham) 1167
Mr. Lane-Fox 1168

Question put, and negatived.

Proposed words there inserted.

Main Question, as amended, put, and agreed to.

Bill, as amended, re-committed to a Select Committee.

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TRANSVAAL LOAN (GUARANTEE).—Resolution reported—

"That it is expedient to authorise the Treasury to guarantee, on the security of the Consolidated Fund, the interest of a Loan to be raised by the Colony of the Transvaal, not exceeding in the aggregate an amount sufficient to raise five million pounds, and the principal of any such Loan by means of the guarantee of Sinking Fund payments, and also to guarantee the payment of any sums temporarily raised by the Colony of the Transvaal in anticipation of the Loan, with interest thereon."

Resolution agreed to.

Bill ordered to be brought in by the Chairman of Ways and Means, Mr. Chancellor of the Exchequer, Mr. Churchill, Mr. Attorney-General, and Mr. Runciman.

Transvaal Loan (Guarantee Bill)—"To authorise the Treasury to guarantee the payment of a Loan to be raised by the Colony of the Transvaal," presented accordingly, and read the first time; to be read a second time upon Monday next, and to be printed. [Bill 314] 1168

Patents and Designs Bill.—As amended (by the Standing Committee), further considered.

Amendments proposed—

"In page 9, line 22, to leave out from the word 'to,' to 'a,' in line 24, and insert the words 'the sale or lease of, or licence to use or work any article or process protected by a patent to insert.'"

"In page 9, line 29, to leave out the word 'invention' and insert the word 'process.'"

"In page 9, lines 31 and 32, to leave out the words 'employ or.'"

"In page 9, line 34, after 'licensor,' insert the words 'or his nominees.'"—(*Mr. Lloyd-George.*)

Amendments agreed to.

Mr. Rawlinson (*Cambridge University*) 1169

Amendment proposed—

"In page 9, line 34, after the words last inserted, to insert the words 'unless at the time when the contract was entered into for such sale or lease of or licence to use or work the patented article or process the said patented article or process was being freely sold or licensed to be used or worked in the United Kingdom, on reasonable terms and without any such restrictive or prohibitive conditions, or unless the patentee had, prior to the date of such contract, offered to the other party or parties thereto to sell, lease, or grant a licence to use or work the said patented article or process on reasonable terms, and without any such restrictive or prohibitive conditions.'"—(*Mr. Rawlinson.*)

Question proposed, "That those words be there inserted."

The President of the Board of Trade (Mr. Lloyd-George, Carnarvon Boroughs) 1170
Mr. J. Ramsey Macdonald (Leicester) 1171
Mr. Gurdon (Londonderry, S.) 1171
Mr. Claude Hay (Shoreditch, Hoxton) 1172
Mr. Lloyd-George 1173

Amendment, by leave, withdrawn.

Amendments proposed—

"In page 9, line 38, to leave out the word 'invention' and insert the word 'process.'"

"In page 9, lines 40 and 41, to leave out the words 'embodied in the patented article in force at,' and insert the words 'by which the article or process was or were protected at the time of.'"

"In page 9, line 41, and page 10, line 1, to leave out the words 'or the patent for the invention.'"

"In page 10, line 7, to leave out the word 'determined' and insert the word 'awarded.'"

"In page 10, line 11, to leave out the word 'invention' and insert the word 'process.'"

"In page 10, line 19, to leave out the word 'determined' and insert the word 'awarded'"

"In page 10, line 21, to leave out Subsection (4)."

Amendments agreed to.

Mr. Cave (Surrey, Kingston) 1173

Amendment proposed—

"In page 10, line 27, to leave out Subsection (5) of Clause 23."—(*Mr. Cave.*)

Question proposed, "That the words 'the insertion' stand part of the Bill."

Mr. Lloyd-George 1174
Mr. Hills (Durham) 1174
Mr. Bowles (Lambeth, Norwood) 1175
Mr. Rawlinson 1176

Question put.

The House divided:—Ayes, 144; Noes, 34. (Division List No. 414.)

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Amendment proposed—

"In page 10, line 29, leave out from the first word 'be,' to end of subsection, and insert the words 'available as a defence to an action for infringement of the patent to which the contract relates brought while that contract is in force.'"—(*Mr. Lloyd-George.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. Lupton (*Lincolnshire, Sleaford*) 1177

Amendment agreed to.

Amendment proposed—

"In page 10, line 31, to leave out Subsection (6)."

Amendment agreed to.

Mr. Radford (*Islington, S.*) 1179

Amendment proposed—

"To leave out Clause 25."

Amendment agreed to.

Mr. *Rawlinson* 1180

Amendment proposed—

"In page 11, line 39, to leave out Clause 26."—(*Mr. Rawlinson.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. G. Croydon Marks (*Cornwall, Launceston*) 1182
Mr. Hills 1182
Mr. Radford 1183
Mr. Cave 1184
Mr. Rufus Isaacs (*Reading*) 1885
Mr. Lloyd-George 1185

Amendment agreed to.

Amendments proposed—

"In page 12, line 3, to leave out the word 'under,' and to insert the words 'by virtue of.'"

"In page 12, line 4, after the word 'referred' to insert the words 'or presented.'"

"In page 12, line 5, to leave out the words 'or reference.'"

"In page 12, line 6, after the word 'made' to insert the words 'and the petition referred or presented.'"—(*Mr. Lloyd-George.*)

Amendments agreed to.

Mr. Cave 1186

Amendment proposed—

"In page 12, line 8, to leave out from the word 'purpose,' to the end of Clause 27."—(*Mr. Cave*)

Question proposed, "That the words proposed to be left out stand part of Bill."

Mr. Lloyd-George 1187

Amendment, by leave, withdrawn.

Amendments proposed—

"In page 12, line 8, to add the words 'except in the case of an appeal from the decision of the Comptroller revoking a patent on any ground on which the grant of such patent might have been opposed.'"

"In page 12, line 35, to leave out the word 'further' and to insert the word 'second.'"—(*Mr. Lloyd-George.*)

Amendments agreed to.

Amendment proposed—

"In page 12, line 36, at end, to insert the words, "If within the prescribed time before the expiration of such second period of five years application for the extension of the period of copyright is made to the Comptroller in the prescribed manner, the Comptroller may, subject to any rules under the principal Act, on payment of the prescribed fee, extend the period of coypright for a third period of five years from the expiration of the second period of five years.'"—(*Mr. Lloyd-George.*)

Amendment agreed to.

Amendment proposed—

"In page 13, line 17, after the word 'disclosure,' to insert the words 'or acceptance.'"—(*Mr. Lloyd-George.*)

Amendment agreed to.

Amendment proposed—

"In page 13, line 20, to leave out the words 'Subject to the rules under the principal Act.'"—(*Mr. Lloyd-George.*)

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Mr. Claude Hay 1189

Amendment agreed to.

Amendment proposed—

"In page 13, line 32, after the word 'refused,' to insert the words nor shall the registration thereof be invalidated.' "—(*Mr. Lloyd-George.*)

Amendment agreed to.

Mr. Black 1189

Amendment proposed—

"In page 14, line 9, to leave out the words 'not less than one year.' "—(*Mr. Black.*)

Amendment agreed to.

Amendment proposed—

"In page 14, line 15, after the word 'kingdom,' to insert the words 'including those relating to costs.' "—(*Mr. Lloyd-George.*)

Amendment agreed to.

Amendment proposed—

"In page 14, line 17, at the end, to add the words 'Such ground as aforesaid shall be available by way of defence to an action for infringement of the copyright in the design.' "—(*Mr. Lloyd-George.*)

Amendment agreed to.

Amendments proposed—

"In page 17, line 14, to leave out the words 'subject to rules under the principal Act.' "

"In page 17, line 16, at beginning, to insert the words 'subject to rules under the principal Act.' "—(*Mr. Lloyd-George.*)

"In page 17, line 21, after the first 'declaration' to insert the words 'or allow any declarant to be cross-questioned on his declaration." '—(*Mr. Cave.*)

Amendments agreed to.

Mr. Radford 1190

Amendment proposed to the Bill—

"In page 18, line 7, at the end, to insert the words, '(2) if any person who is not registered as a patent agent uses on his place of business, or on any document issued by him or otherwise, any words or title suggesting that he is a patent agent, he shall be liable on summary conviction to a fine not exceeding twenty pounds.' "—(*Mr. Radford.*)

Question proposed, "That those words be there inserted in the Bill."

Mr. Lloyd-George 1192
Mr. Radford 1192
Mr. Claude Hay 1193
Mr. Lupton 1193

Amendments proposed—

"In page 19, line 9, at end, to insert the words 'Section 19.'"

"In page 19, line 23, at end, to insert the words 'Section 38.'"

Amendments agreed to.

Mr. Lloyd-George 1194

Bill read the third time, and passed.

Patents and Designs (Consolidation) Bill.

Considered in Committee.

Motion made, and Question proposed, "That Clause 1 stand part of the Bill."

Lord Balcarres (Lancashire, Chorley) 1194
Mr. Lloyd-George 1194
Lord Balcarres 1195
Mr. Lloyd-George 1196
Mr. Forster (Kent, Sevenoaks) 1197
Mr. Claude Hay 1198
Mr. Cave 1199
Mr. Gordon (Londonderry, N.) 1200

Queston put, and agreed to.

Remaining clauses agreed to.

Bill reported, without Amendment; read the third time, and passed.

ADJOURNMENT.

Motion made, and Question, "That this House do now adjourn."—(*Mr. Whiteley*)—put, and agreed to.

Adjourned accordingly at six minutes after One o'clock.

HOUSE OF LORDS: WEDNESDAY, 14TH AUGUST, 1907.

PRIVATE BILL BUSINESS.

Alexandra (Newport and South Wales) Docks and Railway (General Powers) Bill.—The CHAIRMAN of COMMITTEES informed the House that the Promoters do not intend to proceed further with the Bill. Ordered that the Bill be not further proceeded with 1201

Metropolitan Water Board (Charges, etc.) Bill.—Moved, That the Order made on the 20th day of March last," That no Private Bill brought from the House of Commons shall be read a second time after the 18th day of June next," be dispensed with, and that the Bill be now read 2ª; agreed to; Bill read 2ª accordingly; Committee negatived 1201

Renfrewshire Upper District (Eastwood and Mearns) Water Bill [H.L.].—Returned from the Commons agreed to, with Amendments. The said Amendments considered, and agreed to 1201

Leith Burgh Order Confirmation Bill; London County Council (Tramways and Improvements) Bill.—Returned from the Commons with the Amendments agreed to 1201

PETITIONS.

BUTTER AND MARGARINE BILL.—Petition to be heard by Counsel for Amendment of: Of Colwyn Bay and District Grocers' and Bakers' Association. Read and ordered to lie on the Table 1201

SMALL LANDHOLDERS (SCOTLAND) BILL.—Petitions against: Of Society of Advocates in Aberdeen; Kirkintelloch and District Agricultural Society; West of Scotland Land Defence Association; and persons signing (2). Read, and ordered to lie on the Table 1201

RETURNS, REPORTS, ETC.

TRADE.—Annual statement of the trade of the United Kingdom with Foreign Countries and British Possessions, 1906. Supplement to Volumes I. and II. Abstract and detailed tables showing countries of consignment of imports and countries of ultimate destination of exports, with a prefatory memorandum 1201

COMMERCIAL, No. 8. (1907.)—Report by Sir Eldon Gorst and Mr. Llewellyn Smith on a system of British commercial attachés and commercial agents .. 1202

TRADE REPORTS (ANNUAL SERIES).

No. 3899. Austria-Hungary (Fiume.)

No. 3900. Austria-Hungary 1202

TREATY SERIES.

No. 22. (1907.) Accession of Nicaragua to the convention signed at Geneva, 6th July, 1906, for the amelioration of the condition of the wounded and sick in armies in the field, 17th June, 1907.

No. 23. (1907.) Accession of Panama to the convention signed at Geneva, 22nd August, 1864, for the amelioration of the condition of the wounded in armies in the field, 29th July, 1907.

Presented (by Command), and ordered to lie on the Table 1202

LOCAL TAXATION RETURNS (SCOTLAND) ACT, 1881.—Annual Local Taxation (Scotland), Returns for the year 1905–1906 1202

FACTORY AND WORKSHOP (DANGEROUS AND UNHEALTHY INDUSTRIES).—Regulations, dated 6th August, 1907, made by the Secretary of State for the Home Department in pursuance of section 79 of the Factory and Workshop Act, 1901, for the process of heading of yarn dyed by means of a lead compound.

Laid before the House (pursuant to Act), and ordered to lie on the Table 1202

Merchant Shipping (Tonnage Deduction for Propelling Power) Bill.—Report, etc., of the Select Committee of the House of Commons, communicated (pursuant to Message of yesterday), and to be printed. (No. 173) .. 1202

Small Landholders' (Scotland) Bill.—Debate on the Amendment proposed by the Lord Balfour to the Motion for the Second Reading, viz., "that this House, while anxious to encourage the formation of small holdings under reasonable conditions, and to consider favourably such fair amendment of the Acts relating to the tenure of crofter holdings as experience may have shown to be necessary, deprecates an indiscriminate and universal extension of the crofting system, sees no justification for establishing in Scotland a Land Court on the Irish model, and declines to proceed with a Bill which introduces into the agricultural districts of Scotland the evils which are inseparable from any system of divided ownership in land," resumed (according to Order).

The Earl of Kintore 1203
The Earl of Camperdown 1212
The Earl of Aberdeen 1226
The Duke of Montrose 1227
The President of the Board of Agriculture and Fisheries (Earl Carrington) 1230
The Earl of Erroll 1237
Lord Blythswood 1240
The Marquess of Lansdowne 1241

Moved, "That the debate be now adjourned."—(*The Marquess of Lansdowne.*)

The Lord Privy Seal (The Marquess of Ripon) 1254
The Earl of Rosebery 1255
The First Lord of the Admiralty (Lord Tweedmouth) 1256

On Question, "That the debate be now adjourned," their Lordships divided:—Contents, 162; Non-Contents, 39.

Debate adjourned accordingly *sine die.*

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Merchant Shipping (Tonnage Deduction for Propelling Power) Bill [SECOND READING].—Order of the Day for the Second Reading read.

The Earl of Granard 1259

Moved, "That the Bill be now read 2ª."—(*The Earl of Granard.*)

The Earl of Plymouth 1260
Lord Glantawe 1265
Lord Inverclyde 1267
Lord Nunburnholme 1268
Lord Ellenborough 1269
The Marquess of Salisbury 1269
The Earl of Granard 1271

On Question, Bill read 2ª.

The Earl of Plymouth 1272

Motion made, "That the Bill be referred to a Select Committee."—(*The Earl of Plymouth.*)

The Earl of Granard 1272

Motion, by leave of the House, withdrawn.

Bill committed to a Committee of the Whole House to-morrow.

Evidence Colonial Statutes Bill.—Read 3ª (according to Order), and passed.

Sea Fisheries (Scotland) Application of Penalties Bill [SECOND READING].—Order of the Day for the Second Reading read.

Lord Hamilton of Dalzell 1273

Moved, "That the Bill be now read 2ª."—(*Lord Hamilton of Dalzell.*)

On Question, Bill read 2ª, and committed to a Committee of the Whole House on Monday next.

Patents and Designs Bill (No. 174); Patents and Designs (Consolidation) Bill (No. 175).—Read 1ª, to be printed; and to be read 2ª on Friday next.—(*The Lord Granard* [*E. Granard*]) 1273

Caledonian Railway Order Confirmation Bill.—Brought from the Commons and read 1ª, to be printed; and (pursuant to the Private Legislation Procedure (Scotland) Act, 1899), deemed to have been read 2ª—(*The Lord Hamilton of Dalzell*)—and reported from the Committee. (No. 176) 1274

House adjourned at five minutes before Nine o'clock, till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS: WEDNESDAY, 14TH AUGUST, 1907.

The House met at a quarter before Three of the Clock.

PRIVATE BILL BUSINESS.

Kilmarnock Corporation Water Order Confirmation Bill.—Read the third time, and passed 1274

Inverness Royal Academy Order Confirmation Bill.—"To confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1899, relating to Inverness Royal Academy and Educational Endowments," presented by Mr. Sinclair, and ordered, under Section 7 of the Act, to be considered upon Friday 1274

MESSAGE FROM THE LORDS.—That they have agreed to:—Armagh Urban District Council Bill, with an Amendment.

Amendment to:—Oxford and District Tramways Bill [Lords], without Amendment.

That they have passed a Bill, intituled, "An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1899, relating to Dumbarton Burgh and County Tramways." [Dumbarton Burgh and County Tramways Order Confirmation Bill [Lords.]

Also, a Bill, intituled, "An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1899, relating to Aberdeen Harbour." [Aberdeen Harbour Order Confirmation Bill [Lords].

And, also a Bill, intituled, "An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1899, relating to the Burgh of Dumbarton." [Dumbarton Burgh Order Confirmation Bill [Lords] 1274

Dumbarton Burgh and County Tramways Order Confirmation Bill [LORDS].—Ordered, under Section 7 of the Private Legislation Procedure (Scotland) Act, 1899, to be considered To-morrow 1275

Dumbarton Burgh Order Confirmation Bill [LORDS].—Ordered, under Section 7 of the Private Legislation Procedure (Scotland) Act, 1899, to be considered To-morrow 1275

Aberdeen Harbour Order Confirmation Bill [LORDS].—Read the first time; and ordered, under Section 9 of the Private Legislation Procedure (Scotland) Act, 1899, to be read a second time To-morrow, and to be printed. [Bill 317] 1275

PETITIONS.

BUTTER AND MARGARINE BILL.—Petition from Liverpool, for alteration; to lie upon the Table 1275

WEEKLY REST DAY BILL.—Petition from Leytonstone and other places, in favour; to lie upon the Table 1275

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RETURNS, REPORTS, ETC.

TREATY SERIES (No. 22, 1907).—Copy presented, of Accession of Nicaragua to the Convention, signed at Geneva, 22nd August, 1864, for the Amelioration of the Condition of the Wounded in Armies in the Field, 17th June, 1907 [by Command]; to lie upon the Table 1275

TREATY SERIES (No. 23, 1907).—Copy presented, of Accession of Panama to the Convention, signed at Geneva, 22nd August, 1864, for the Amelioration of the Condition of the Wounded in Armies in the Field, 29th July, 1907 [by Command]; to lie upon the Table 1275

COMMERCIAL (No. 8, 1907).—Copy presented, of Report by Sir Eldon Gorst and Mr. Llewellyn Smith on the System of British Commercial Attachés and Commercial Agents [by Command]; to lie upon the Table 1276

TRADE REPORTS (ANNUAL SERIES).—Copies presented, of Diplomatic and Consular Reports, Annual Series, Nos. 3899 and 3900 [by Command]; to lie upon the Table 1276

FACTORY AND WORKSHOP ACTS (DANGEROUS AND UNHEALTHY INDUSTRIES).—Copy presented, of Regulations, dated 6th August, 1907, made by the Secretary of State for the Home Department, in pursuance of Section 79 of the Factory and Workshop Act, 1901, for the process of heading of yarn dyed by means of a lead compound [by Act]; to lie upon the Table 1276

LOCAL TAXATION (SCOTLAND).—Copy presented, of the Annual Local Taxation (Scotland) Returns for the year 1905–6 [by Act] to lie upon the Table, and to be printed. [No. 305] 1276

TRADE (FOREIGN COUNTRIES AND BRITISH POSSESSIONS).—Copy presented, of Abstract and Detailed Tables showing Countries of Consignment of Imports and Countries of Ultimate Destination of Exports (Supplement to Vols. I. and II.) [by Command]; to lie upon the Table 1276

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

BOARD OF EDUCATION SECOND DIVISION CLERKS.—Question, Mr. Alden (Middlesex, Tottenham); Answer, Mr. McKenna 1276

SHOPKEEPERS AND INCOME TAX.—Question, Mr. J. MacVeagh (Down, S.); Answer, Mr. Asquith 1277

DEVONPORT GUN WHARF WORKERS.—Question, Sir John Benn (Devonport) Answer, Mr. Edmund Robertson 1277

DAY INDUSTRIAL SCHOOLS.—Question, Mr. A. Allen (Christchurch); Answer, Mr. Gladstone 1278

LONG LANE, S.E., POLICE BARRACKS.—Question, Dr. Cooper (Southwark, Bermondsey); Answer, Mr. Gladstone 1278

VICTORIA UNIVERSITY, MANCHESTER.—Question, Mr. Harwood (Bolton); Answer, Mr. Asquith 1279

IRISH NATIONAL EDUCATION BOARD.—Question, Mr. Patrick O'Brien (Kilkenny); Answer, Mr. Birrell 1280

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THE ORGANISER OF IRISH.—Question, Mr. McKillop (Armagh, S.); Answer, Mr. Birrell 1281

LUNACY COMMISSIONERS' REPORT.—Question, Dr. Cooper; Answer, Mr. Gladstone 1281

METROPOLITAN ASSISTANT POLICE COMMISSIONERS.—Question, Dr. Cooper; Answer, Mr. Gladstone 1281

IRISH MARRIAGES.—Question, Mr. Fetherstonhaugh (Fermanagh, N.); Answer, Mr. Birrell 1282

GRASHILL FARM DISPUTE.—Question, Mr. Delany (Queen's County, Ossory); Answer, Mr. Birrell 1282

TEACHERS OF IRISH MODEL SCHOOLS.—Question, Mr. Sloan (Belfast, S.); Answer, Mr. Birrell 1283

WATER FOR BELFAST RIOTERS.—Question, Mr. Luttrell (Devonshire, Tavistock); Answer, Mr. Birrell 1283

CROWN AGENTS' CONTRACTS.—Question, Mr. Walker (Leicestershire, Melton); Answer, Mr. Churchill 1283

TURKISH RAID INTO PERSIA.—Question, Mr. Yoxall (Nottingham, W.); Answer, Sir Edward Grey 1284

INLAND REVENUE PORTERS.—Question, Mr. Field (Dublin, St. Patrick); Answer, Mr. Runciman 1284

EXCHEQUER AND AUDIT ESTABLISHMENT.—Question, Mr. Field; Answer, Mr. Runciman 1285

LOCAL GOVERNMENT BOARD AUDITORS.—Question, Mr. Field; Answer, Mr. John Burns 1286

CONTRACTS AND FAIR WAGES.—Question, Mr. Whitehead (Essex, S.E.); Answer, Mr. John Burns 1286

DURBAN PASSENGERS GRIEVANCE.—Question, Mr. Whitehead; Answer, Mr. John Burns 1286

SHIPS' CASUALITIES.—Question, Mr. Bellairs (Lynn Regis); Answer, Mr. Lambert 1288

BELLARY QUIT RENTS.—Question, Mr. Rees (Montgomery Boroughs); Answer, Mr. Morley 1288

UNEARNED LAND INCREMENTS IN INDIA.—Question, Mr. Rees; Answer, Mr. Morley 1288

WAR OFFICE BOY MESSENGERS.—Question, Mr. Crooks (Woolwich); Answer, Mr. Haldane 1289

BRITISH GARRISON IN EGYPT.—Question, Mr. Ashley (Lancashire, Blackpool); Answer, Mr. Haldane 1289

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YEOMANRY DRILL BOOK.—Question, Viscount Helmsley (Yorkshire, N.R., Thirsk); Answer, Mr. Haldane 1289

QUESTIONS IN THE HOUSE.

TURNCHAPEL COALING DEPOT.—Question, Mr. Mildmay (Devonshire, Totnes); Answer, The Civil Lord of the Admiralty (Mr. Lambert, Devonshire, South Molton) 1290

BATTLESHIP COLLISION.—Questions, Mr. Ashley (Lancashire, Blackpool), Viscount Turnour (Sussex, Horsham); Answers, Mr. Lambert 1290

THE HOME FLEET.—Question, Mr. Gretton (Rutland); Answer, Mr. Lambert .. 1291

THE CHANNEL FLEET.—Question, Mr. Gretton; Answer, Mr. Lambert .. 1292

MILITIA STORES.—Question, Mr. Younger (Ayr Burghs); Answer, The Secretary of State for War (Mr. Haldane, Haddington) 1293

MUFTI REGULATIONS.—Question, Mr. Mildmay; Answer, Mr. Haldane 1293

TIDWORTH CAVALERY STABLES.—Question, Viscount Turnour; Answer, Mr Haldane 1293

THE SCOTS GREYS.—Questions, Viscount Turnour, Mr. Ashley; Answers, Mr. Haldane 1294

CAVALRY BARRACKS.—Question, Viscount Turnour; Answer, Mr. Haldane .. 1295

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PANAMA CANAL LABOUR.—Question, Mr. Staveley-Hill (Staffordshire, Kingswinford); Answer, The Under-Secretary of State for the Colonies (Mr. Churchill, Manchester, N.W.) 1296

TRANSVAAL FINANCE.—Question, Sir. F. Banbury (City of London); Answer, Mr. Churchill 1296

TRANSVAAL COURTS OF LAW—ACCESS OF NATIVES.—Question, Sir Charles Dilke (Gloucestershire, Forest of Dean); Answer, Mr. Churchill 1297

SOUTH AFRICAN FEDERATION.—Question, Viscount Turnour; Answer, Mr. Churchill 1297

ISTHMIAN CANAL COMMISSION.—Question, Mr. Staveley-Hill; Answer, The Financial Secretary to the Treasury (Mr. Runciman, Dewsbury) 1297

Post Office Savings Bank Depositors — Investment in Consols.—Question, Mr. Bottomley (Hackney, S.); Answer, The Chancellor of the Exchequer (Mr. Asquith, Fifeshire, E.) 1298

Post Office Purchases of Consols.—Question, Mr. Myer (Lambeth, N.); Answer, Mr. Asquith 1299

Trustee Savings Bank.—Question, Mr. Myer; Answer, Mr. Asquith 1299

Savings Banks.—Question, Mr. Myer; Answer, Mr. Asquith 1299

Inland Revenue Department.—Question, Mr. Baker (Finsbury, E.); Answer, Mr. Asquith 1300

Metropolitan Police.—Question, Mr. J. Ramsay-Macdonald (Leicester); Answer, The Secretary of State for the Home Department (Mr. Gladstone, Leeds, W.) 1301

Lambeth Licensing Prosecution.—Question, Mr. Bottomley; Answer, Mr. Gladstone 1301

Antwerp Strike.—Question, Mr. Arthur Henderson (Durham, Barnard Castle); Answer, Mr. Gladstone 1302

Calf Lymph Production.—Question, Mr. Weir (Ross and Cromarty); Answer, The President of the Local Government Board (Mr. John Burns, Battersea) 1302

Victoria and Albert Museum. — Question, Sir. William Anson (Oxford University); Answer, The President of the Board of Education (Mr. McKenna, Monmouthshire, N.) 1303

Merioneth Schools Disputes. — Question, Lord R. Cecil; Answer, Mr. McKenna 1304

Education Examiners.—Question, Sir G. Kekewich; Answer, Mr. McKenna 1304

School Accommodation Regulations.—Question, Sir G. Kekewich; Answer, Mr. McKenna 1304

Dundee Postal Staff.—Question, Mr. Wilkie (Dundee); Answer, Captain Norton 1305

Confidential Reports in the Post Office.—Question, Mr. Claude Hay (Shoreditch, Hoxton); Answer, Captain Norton 1306

Valuation of Scottish Sheep Stocks.—Question, Mr. Morton (Sutherland); Answer, The Treasurer of the Household (Sir Edward Strachey, Somersetshire, S.) 1306

The Public Trustee.—Question, Mr. Bottomley; Answer, Mr. Runciman .. 1307

Neath Land Tax Commissioners.—Question, Sir D. Brynmor Jones) Swansea District); Answer, Mr. Runciman 1307

Customs Statistical Assistant Clerks.—Question, Mr. Curran (Durham, Jarrow); Answer, Mr. Runciman 1308

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CIVIL SERVICE OLD WRITERS.—Question, Sir G. Kekewich; Answer, Mr. Runciman 1309

SELECT COMMITTEE ON POST OFFICE SERVANTS REPORT.—Question, Mr Rendall (Gloucestershire, Thornbury); Answer, The Under-Secretary of State for India (Mr. Charles Hobhouse) 1309

DECEASED WIFE'S SISTER BILL.—Question, Lord R. Cecil; Answer, Mr. H. J. Wilson (Yorkshire, W.R., Holmfirth) 1311

IRISH TEACHERS' GRIEVANCES.—Question, Mr. Sloan (Belfast, S.); Answer, The Chief Secretary for Ireland (Mr. Birrell, Bristol, N.) 1311

IRISH NATIONAL EDUCATION BOARD.—Question, Mr. Patrick O'Brien (Kilkenny); Answer, Mr. Birrell 1311

KNOX ESTATE, SLIGO.—Question, Mr. O'Dowd (Sligo, S.); Answer, Mr. Birrell .. 1312

IRISH TEACHERS' CIVIL RIGHTS.—Question, Mr. Barrie (Londonderry, N.); Answer, Mr. Birrell 1312

IRISH EDUCATION CODE.—Questions, Mr. Barrie and Mr. Sloan; Answers, Mr. Birrell 1313

LISMORE UNION CLERKSHIP.—Questions, Mr. Ashley and Lord R. Cecil; Answers, Mr. Birrell 1313

BALLINDEREEN OUTRAGE.—Question, Mr. Lonsdale (Armagh, Mid.); Answer, Mr. Birrell 1315

BORRISOKANE CATTLE DRIVING PROSECUTION.—Question, Mr. Lonsdale; Answer, Mr. Birrell 1315

AHASCRAGH SCHOOL.—Question, Mr. Lonsdale; Answer, Mr. Birrell 1316

BALLYSHANNON CATTLE DRIVING.—Question, Mr. Lonsdale; Answer, Mr. Birrell 1316

BALLINAMORE DISTURBANCES.—Question, Mr. Lonsdale, Answer, Mr. Birrell .. 1316

TULLAMORE GRAZING FARM.—Question, Mr. Moore; Answer, Mr. Birrell .. 1317

THE BELFAST RIOTS.—Question, Mr. Curran; Answer, Mr. Birrell 1317

LOCH SHIELDAIG SALMON PROSECUTION.—Question, Mr. Weir; Answer, The Secretary for Scotland (Mr. Sinclair, Forfarshire) 1318

CLOSURE BY COMPARTMENTS.—Question, Mr. Montagu (Cambridgeshire, Chesterton); Answer, The Prime Minister and First Lord of the Treasury (Sir H. Campbell-Bannerman, Stirling Burghs) 1318

SELECTION (STANDING COMMITTEES).—Sir WILLIAM BRAMPTON GURDON reported from the Committee of Selection; That they had discharged the following Member from the Standing Committee on Scottish Bills (added in respect of the Sheriff Courts (Scotland) Bill): Sir Samuel Scott; and had appointed in substitution (in respect of the Sheriff Courts (Scotland) Bill): Mr. Gibbs.

Report to lie upon the Table 1318

Factory and Workshop Bill [LORDS].—Reported with Amendments, from Standing Committee B.

Report to lie upon the Table, and to be printed. [No. 306.]

Minutes of the Proceedings of the Standing Committee to be printed. [No. 306.]

Bill, as amended (in the Standing Committee), to be taken into consideration upon Monday next, and to be printed. [Bill 315] 1319

Cabs and Stage Carriages (London) Bill.—Reported with Amendments, from Standing Committee B.

Report to lie upon the Table, and to be printed. [No. 307.]

Minutes of the Proceedings of the Standing Committee to be printed. [No. 307.]

Bill, as amended (by the Standing Committee), to be taken into consideration upon Monday next, and to be printed. [Bill 316] 1319

PUBLIC PETITIONS COMMITTEE.—Fourth Report brought up, and read; to lie upon the Table, and to be printed 1319

POLICE AND SANITARY COMMITTEE.—Special Report brought up, and read; to lie upon the Table, and to be printed. [No. 308]

Minutes of Proceedings to be printed. [No. 308] 1319

NEW BILLS.

Women's Enfranchisement (No. 2) Bill.—"To enable Women to vote at Parliamentary Elections," presented by Mr. Dickinson; supported by Sir Charles McLaren, Mr. Burt, Mr. Corrie Grant, Mr. Fenwick, Mr. Gulland, Mr. Snowden, Mr. Howard, Mr. Ramsay Macdonald, Mr. Hart-Davies, Mr. Charles E. Price, and Mr. Charles Roberts; to be read a second time upon Wednesday next, and to be printed. [Bill 319] 1319

Public Health Act (1875) Amendment (Water Rights) Bill.—"To empower Local Authorities to acquire Water Rights otherwise than by agreement," presented by Mr. Leif Jones; supported by Mr. Brace, Mr. Luke White, Mr. Shackleton, and Mr. Charles Roberts; to be read a second time upon Wednesday next, and to be printed. [Bill 320] 1320

Small Holdings and Allotments Bill—As amended (by the Standing Committee), further considered.

Mr. Wedgwood (Newcastle-under-Lyme) 1320
Mr. Ellis Davies (Carnarvonshire, Eifion) 1324

Amendment proposed to the Bill—

"In page 11, line 36, to leave out from the word 'order' to the end of Clause 26, and insert the words 'for the compulsory purchase of the land specified in the order'"—(*Mr. Wedgwood*)—instead thereof.

Question proposed, "That the words proposed to be left out, to the end of line 38, in page 11, stand part of the Bill."

The First Commissioner of Works (*Mr. Harcourt, Lancashire, Rossendale*) 1325

Amendment negatived.

Mr. Wedgwood 1327

Amendment proposed—

"In page 11, line 38, at the end, to insert the words, 'Provided that when the capital unimproved value of any land to be acquired under this Act compulsorily shall have been ascertained under any Act of Parliament hereafter to be passed for the general valuation of land for the purposes of rating or taxation, the compensation to be paid for such land shall be such ascertained capital value, with any addition for buildings and improvements upon the land, or for severance, that the case may require.' "—(*Mr. Wedgwood.*)

Question proposed, "That these words be there inserted in the Bill."

Mr. Harcourt 1328

Amendment, by leave, withdrawn.

Mr. Ellis Davies 1330

Amendment proposed—

"In page 12, line 1, to leave out the words 'nor more than thirty-five.' "

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Harcourt 1332
Mr. A. J. Balfour (*City of London*) 1333
Mr. Chaplin (*Surrey, Wimbledon*) 1335
Mr. Leif Jones (*Westmoreland, Appleby*) 1336
Mr. Jesse Collings (*Birmingham, Bordesley*) 1337
Mr. Masterman (*West Ham, N.*) 1339
Sir F. Cawley (*Lancashire, Prestwich*) 1339
Mr. Cave (*Surrey, Kingston*) 1339
Mr. Courtenay Warner (*Staffordshire, Lichfield*) 1340
The Solicitor-General (*Sir W. Robson, South Shields*) 1340
Mr. Austen Chamberlain (*Worcestershire, E.*) 1341
Mr. Harcourt 1343
Colonel Kenyon-Slaney (*Shropshire, Newport*) 1344
Mr. Alden (*Middlesex, Tottenham*) 1345
Sir F. Banbury 1346
Mr. Dickinson (*St. Pancras, N.*) 1347
Mr. Wedgwood 1348

Question put.

The House divided :—Ayes, 165 ; Noes, 125. (Division List No. 415.)

Mr. Cave (Surrey, Kingston) 1351
Mr. George Faber (York) 1352

Amendment proposed—

> " In page 12, line 13, to leave out from the word ' with,' to the end of line 14."—(*Mr. Cave.*)

Question proposed, " That the words proposed to be left out stand part of the clause."

Sir W. Robson 1352
Mr. Chaplin 1353
Sir W. Robson 1354
Viscount Helmsley (Yorkshire, N.R., Thirsk) 1354

Amendment negatived.

Mr. Ellis Davies 1355
Mr. Masterman 1356

Amendment proposed—

> " In page 12, line 20, at the end, to insert the words, ' In assessing the rent to be paid in the case of land compulsorily hired under this Act, the valuer shall not take into account any increase in the value of the land due to the establishment by the council of other small holdings or allotments in the neighbourhood.' "—(*Mr. Ellis Davies.*)

Question proposed, " That those words be there inserted."

Mr. Harcourt 1359
Mr. Chaplin 1360
Mr. Dickinson 1361
Mr. Jesse Collings 1362
Mr. Napier (Kent, Faversham) 1365
Colonel Kenyon-Slaney 1370
Mr. Rees (Montgomery Boroughs) 1371

Question put.

The House divided :—Ayes, 52 ; Noes, 227. (Division List No. 416.)

Mr. Cave 1375
Sir E. Boyle (Taunton) 1377

Amendment proposed—

> " In page 13, line 1, to leave out Subsection (8) of Clause 26."—(*Mr. Cave.*)

Question proposed, " That the words proposed to be left out, to the word ' by,' in page 13, line 7, stand part of the Bill."

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Sir W. Robson 1377
Sir E. Boyle 1378
Sir W. Robson 1379
Mr. Chaplin 1379
Mr. Harcourt 1380
Mr. Hicks Beach (*Gloucestershire, Tewkesbury*) 1381
Mr. Harcourt 1382

Question put.

The House divided :—Ayes, 200 ; Noes, 39. (Division List No. 417.)

Mr. Harcourt 1383

Amendment proposed—

"In page 13, line 7, after the word 'may,' to insert the words 'at any time within six weeks after the determination of the amount.' "——(*Mr. Harcourt.*)

Question, "That those words be there inserted," put, and agreed to.

Amendment proposed—

"In page 13, line 9, to leave out the words 'and any notice to quit served on any tenant.' "—(*Mr. Harcourt.*)

Question, "That the words proposed to be left out stand part of the Bill," put, and negatived.

Amendment proposed—

"In page 13, lines 13 and 14, to leave out the words 'or to quit, as the case may be.' "—(*Mr. Harcourt.*)

Question, "That the words proposed to be left out stand part of the Bill," put, and negatived.

Sir E. Boyle 1385
Mr. Hicks 1385

Amendment proposed—

"In page 13, lines 16 and 17, to leave out the words 'valuation by a single valuer appointed by the Board,' and to insert the word arbitration.' "—(*Sir E. Boyle.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Harcourt 1386

Amendment agreed to.

Mr. Hicks Beach 1386
Viscount Morpeth (*Birmingham, S.*) 1386

Amendment proposed—

"In page 13, line 22, to leave out Clause 27."—(*Mr. Hicks Beach.*)

Question proposed, "That the words proposed to be left out to the word 'valuation' in page 13, line 29, stand part of the Bill."

Mr. Harcourt .. 1389
Mr. George Faber .. 1389
Mr. Fell (Great Yarmouth) .. 1390
Mr. E. Gardner (Berks, Wokingham) .. 1391

Question put.

The House divided:—Ayes, 202; Noes, 43. (Division List No. 418.)

Mr. Hicks Beach .. 1393

Amendment proposed—

"In page 13, line 29, to leave out the words 'valuation by a valuer appointed by the Board' and to insert the word 'arbitration.'"—(*Mr. Hicks Beach.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Harcourt .. 1393

Amendment, by leave, withdrawn.

Mr. Chaplin .. 1394

Amendment proposed—

"In page 14, line 11, at the end, to insert the words '(3) Within six months after the receipt of the notice mentioned in Subsection (1) of this section the landlord may, by notice in writing require the council to purchase the land, and thereupon the council shall purchase the land as if the council had obtained an order authorising them to purchase the land, and had served upon the landlord a notice to treat in respect thereof.'"—(*Mr. Chaplin.*)

Question proposed, "That those words be there inserted."

Sir W. Robson .. 1396
Mr. Laurence Hardy (Kent, Ashford) .. 1397
Viscount Helmsley .. 1398
Mr. Harcourt .. 1399
Colonel Kenyon-Slaney .. 1400

Question put.

The House divided:—Ayes, 61; Noes, 235. (Division List No. 419.)

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Amendment proposed—

"In page 14, line 17, to leave out from the word 'years' to the end of the subsection."—(*Mr. Cave.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Harcourt 1403

Amendment, by leave, withdrawn.

Amendments proposed—

"In page 15, line 18, after the word 'shall,' to insert the words 'be authorised by an order under this Act to.'"

"In page 15, line 19, after the word 'which,' to insert the words 'at the date of the order.'"—(*Mr. Harcourt.*)

Amendments agreed to.

Viscount Helmsley 1405

Amendment proposed—

"In page 15, line 20, after the word 'ground' to insert the words 'home farm.'"—(*Viscount Helmsley.*)

Question proposed, "That those words be there inserted."

Mr. Harcourt 1405

Amendment, by leave, withdrawn.

Amendments proposed—

"In page 15, line 21, after the word 'which' to insert the words 'at that date.'"—(*Mr. Harcourt*).

"In page 15, line 24, at the end, to add the words 'and, subject to the foregoing provisions preference shall be given to land which is not farmed by or in the occupation of any tenant.'"—(*Mr. Lane-Fox.*)

Amendments agreed to.

Mr. Harcourt 1405

Amendment proposed—

"In page 15, line 31, to leave out from the word 'and,' to end of subsection, and to insert the words 'for that purpose, where part only of a holding is taken, shall take into consideration the size and character of the existing agricultural buildings not proposed to be taken, which were used in connection with the holding, and the quantity and nature of the land available for occupation therewith.'"—(*Mr. Harcourt.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. Chaplin 1406
Mr. George Faber 1406
Mr. Hicks Beach 1407

And, it being half-past Ten of the clock, Mr. SPEAKER proceeded, pursuant to the Order of the House of 9th August, to put forthwith the Questions on the Amendment already proposed from the Chair.

The House divided :—Ayes, 67 ; Noes, 263. (Division List No. 420.)

Words there inserted in the Bill.

Mr. SPEAKER then proceeded successively to put forthwith the Question on any Amendments moved by the Government, of which notice had been given.

Amendments proposed—

"In page 15, line 35, after the word 'shall,' to insert the words 'be authorised by an order under this Act to.'"

"In page 15, line 41, after the word 'acquired,' to insert the words 'and to acquire for that purpose stints and other alienable common rights of grazing.'"

"In page 16, line 1, after the word 'created,' to insert the words 'or acquired.'"

"In page 16, line 1, to leave out the words 'over land acquired.'"

"In page 16, lines 2 and 3, to leave out the words 'and any similar rights otherwise acquired by the council.'"

"In page 17, line 30, after the word 'landlord,' to insert the words 'and his successors in title.'"

"In page 19, line 6, after the word 'formation,' to insert the words 'or extension.'"

"In page 39, line 7, to leave out the words 'assist co-operative societies and credit banks or societies,' and to insert the words 'may, subject to the provisions of this section, assist societies on a co-operative basis.'"

"In page 19, lines 8 and 9, to leave out the words 'furtherance of the provision and successful cultivation,' and to insert the words 'provision or the profitable working.'"—(*Mr. Harcourt.*)

Amendments agreed to.

Amendment proposed—

"In page 19, line 10, after the word 'allotments,' to insert the words 'whether in relation to the purchase of requisites, the sale of produce, credit banking or insurance, or otherwise, and may employ any society as their agents for the purpose.'"—(*Mr. Harcourt.*)

Question put, "That the Amendment be made."

The House divided :—Ayes, 268 ; Noes, 65. (Division List No. 421.)

Amendment proposed—

"In page 19, line 13, to leave out the words 'purposes aforesaid guarantee,' and to insert the words 'purpose of assisting a society give guarantees.'"—(*Mr. Harcourt.*)

Amendment agreed to.

Amendment proposed—

"In page 19, line 13, after the word 'make,' to insert the words 'grants or.'"

Question put, "That the Amendment be made."

The House divided :—Ayes, 273 ; Noes, 63. (Division List No. 422.)

Amendments proposed—

"In page 19, line 13, to leave out the words 'any such,' and to insert the word 'the.'"

"In page 19, line 14, to leave out the words 'or bank.'"

"In page 19, line 16, after the word 'such,' to insert the words 'grants or.'"

"In page 19, lines 19 and 20, to leave out the words 'co-operative society or credit bank or,' and to insert the word 'such.'"

"In page 19, line 36, after the word 'acquired,' to insert the words 'and shall so transfer the land on payment of all sums due from the council in connection therewith, and on proof to the satisfaction of the board that the council are willing to exercise and perform their powers and duties in relation thereto.'"

"In page 20, line 34, after the word 'which,' to insert the words 'exceeds one acre and.'"

"In page 20, line 37, to leave out from the word 'pounds,' to end of line 40."

"In page 22, line 32, to leave out Subsection (5)."

"In page 23, line 39, after the word 'manner' to insert the words 'and (unless otherwise agreed) to keep the buildings in repair.'"

"In page 24, line 6, after the word 'any,' to insert the word 'minerals.'"—(*Mr. Harcourt.*)

Amendments agreed to.

Amendment proposed—

"In page 24, line 6, after the word 'clay,' to insert the words 'except so far as may be necessary or convenient for the purpose of erecting buildings on the land or otherwise adapting the land for small holdings or allotments.'"—(*Mr. Harcourt.*)

Question put, "That the Amendment be made."

The House divided :—Ayes, 268 ; Noes, 66. (Division List No. 423.)

Amendments proposed—

"In page 24, line 19, after the word 'rent,' to insert the words 'to be paid for the land compulsorily hired.'"

"In page 24, line 26, at end, to insert the words '(4) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused by the withdrawal from the holding of the land compulsorily hired shall, as far as possible, be provided for by taking such compensation into account in fixing the rent to be paid for the residue of the holding during the remainder of the term for which it is held by the tenant.'"

"In page 25, line 13, at the end, to insert the words 'Subsection 2 of Section 11, from the words Provided that to the end of the subsection.'"

"In page 25, line 31, after the word 'five,' to insert in Section 11 the words 'and then to the person or persons whose lands immediately adjoin the holding.'"—(*Mr. Harcourt.*)

Amendments agreed to.

Bill to be read the third time upon Friday, and to be printed. [Bill 318.]

Marriage with a Deceased Wife's Sister Bill.—Bill, as amended (by the Standing Committee), further considered.

Amendment proposed—

"In page 1, line 1, to leave out the preamble.'"—(*Sir Brampton Gurdon.*)

Question proposed, "That the word 'Whereas' stand part of the Bill."

Lord R. Cecil (*Marylebone, E.*) 1424
Sir F. Banbury (*City of London*) 1425
Mr. F. E. Smith (*Liverpool, Walton*) 1427
Mr. Evelyn Cecil (*Aston Manor*) 1428
Viscount Helmsley (*Yorkshire, N.R., Thirsk*) 1429

Question put.

The House divided :—Ayes, 40 ; Noes, 236. (Division List No. 424.)

Remaining words of the Preamble left out of the Bill.

Mr. Laurence Hardy 1431
Sir Francis Powell 1434

Amendment proposed to the Bill, " In page 1, line 7, to leave out Clause 1 of the Bill."—(*Mr. Laurence Hardy.*)

Question proposed, " That the word ' no ' stand part of the Bill."

Sir Brampton Gurdon (Norfolk, N.) 1436
Mr. Bridgeman (Shropshire, Oswestry) 1436
Sir John Kennaway (Devonshire, Honiton) 1439
Sir Samuel Scott (Marylebone, W.) 1442
Lord Edmund Talbot (Sussex, Chichester) 1442
The Secretary of State for War (Mr. Haldane, Haddington) 1443
Sir William Anson (Oxford University) 1444
Mr. Rawlinson (Cambridge University) 1445
Viscount Helmsley 1447
Sir F. Banbury 1449
Mr. Claude Hay (Shoreditch, Hoxton) 1450
Sir Henry Craik (Glasgow and Aberdeen Universities) 1450
Mr. Ashley (Lancashire, Blackpool) 1451

Motion made, and Question proposed, " That the debate be now adjourned." —(*Sir Henry Craik.*)

Sir A. Acland-Hood (Somersetshire, Wellington) 1451
Mr. Haldane 1451
Lord R. Cecil 1452
Mr. F. E. Smith 1453
The Chancellor of the Duchy of Lancaster (Sir Henry Fowler, Wolverhampton, E.) 1454
Viscount Turnour (Sussex, Horsham) 1455
Sir William Anson 1456
Mr. Jesse Collings 1456
Viscount Helmsley 1457

Question put.

The House divided :—Ayes, 27 ; Noes, 208. (Division List No. 425.)

Original Question put.

The House divided :—Ayes, 205 ; Noes, 26. (Division List No. 426.)

Sir William Anson 1463

Amendment proposed—

" In page 1, line 7, to leave out the words ' form of marriage.' "—(*Sir William Anson.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Lord R. Cecil 1465
Viscount Helmsley 1465

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 1, line 7, to leave out the words 'form of marriage or.'" (*Sir William Anson.*)

Amendment agreed to.

Lord R. Cecil 1466

Amendment proposed—

"In page 1, line 7, after the word 'marriage,' to insert the words 'between persons who shall have declared themselves not to be members of the Church of England.'"—(*Lord R. Cecil.*)

Question proposed, "That those words be there inserted."

Sir F. Banbury 1467
Mr. Jesse Collings 1467
Lord R. Cecil 1468

Amendment negatived.

Mr. Evelyn Cecil 1469
Mr. Cave (Surrey, Kingston) 1471
Mr. Jesse Collings 1472
Mr. Simon (Essex, Walthamstow) 1473
Mr. Rawlinson 1475
Sir J. Jardine (Roxburghshire) 1477
Mr. Bowles (Lambeth, Norwood) 1478

Question put.

The House divided :—Ayes, 191 ; Noes, 18. (Division List No. 427.)

Lord Edmund Talbot 1481

Amendment proposed—

"In page 1, line 7, leave out 'or hereafter.'"—(*Lord Edmund Talbot.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Lord R. Cecil 1482

Amendment negatived.

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Lord R. Cecil 1482

Amendment proposed—

"In page 1, line 9, to leave out the words 'or without.'"—(*Lord R. Cecil.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Simon 1483

Amendment negatived

Lord R. Cecil 1483

Amendment proposed—

"In page 1, line 10, to leave out the words 'or voidable.'" —(*Lord R. Cecil.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Sir Wm. Anson 1484
Mr. F. E. Smith 1484

Amendment negatived.

Mr. Laurence Hardy 1484
Mr. Rawlinson 1485

Amendment proposed—

"In page 1, line 10, after the word 'affinity,' to insert the word 'unless either party to such a form of marriage contracted before the passing of this Act shall within six months of the passing of this Act declare in writing in a prescribed form that he or she do not desire such a form of marriage to be valid.'"—(*Mr. Laurence Hardy.*)

Question proposed, "That those words be there inserted."

Sir Brampton Gurdon 1486
Mr. Lea (St. Pancras, E.) 1486
Lord R. Cecil 1487
Mr. Ashley 1488
Viscount Helmsley 1489

Amendment proposed to the proposed Amendment—

"To leave out the words 'either party' and to insert the words 'both parties.'"—(*Viscount Helmsley.*)

Question, "That the words proposed to be left out stand part of the proposed Amendment to the Bill," put, and agreed to.

Question put, "That those words be there inserted in the Bill."

The House divided :—Ayes, 20 ; Noes, 179. (Division List No. 428.)

Lord R. Cecil 1491

Amendment proposed—

"In page 1, line 12, after the word 'England' to insert the words 'or of the Church of Ireland.' "—(*Lord R. Cecil.*)

Question proposed, "That those words be there inserted."

Mr. Haldane 1491

Amendment, by leave, withdrawn.

Mr. Rawlinson 1492

Amendment proposed—

"In page 1, line 13, after the word 'sister,' to insert the words 'or to to allow any church or place of worship to be used for such purpose.' "—(*Mr. Rawlinson.*)

Question proposed, "That those words be there inserted."

Sir Brampton Gurdon 1493
Mr. Ashley 1493
Mr. F. E. Smith 1493
Mr. Markham 1493
Sir William Anson 1494
Mr. Haldane 1494
Mr. Rawlinson 1494
Mr. Bowles 1494
Lord R. Cecil 1495
Viscount Helmsley 1496
Mr. Simon 1497

Question put.

The House divided :—Ayes, 17 ; Noes, 177. (Division List No. 429.)

Mr. J. D. White 1499
Mr. F. E. Smith 1499

Amendment proposed—

"In page 1, line 14, after the word 'for' to insert the words 'solemnising or.' "—(*Mr. J. D. White.*)

Question proposed, "That those words be there inserted."

Lord R. Cecil 1499
Mr. Markham 1500

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Question put, and agreed to.

Mr. J. D. White 1500

Amendment proposed—

"In page 1, line 15, after the word 'aforesaid,' to insert the words 'Provided also that when any minister of any church or chapel of the Church of England shall refuse to perform such marriage service between any persons who, but for such refusal, would be entitled to have the same service performed in such church or chapel, such minister shall permit any other clergyman in holy orders in the Church of England, entitled to officiate within the diocese in which such church or chapel is situate to perform such marriage service in such church or chapel."—(*Mr. J. D. White.*)

Question proposed, " That those words be there inserted in the Bill."

Lord R. Cecil 1501
Viscount Helmsley 1502

Motion made, and Question, "That the debate be now adjourned."—(*Viscount Helmsley*),—put, and negatived.

Original Question put :—

The House divided :—Ayes, 175 ; Noes, 17. (Division List No. 430.)

Mr. Haldane claimed to move, "That the Question, 'That the words of the Bill to the end of Clause 1 stand part of the Bill,' be now put."

Question put, "That the Question, 'That the words of the Bill to the end Clause 1 stand part of the Bill,' be now put."

The House divided :—Ayes, 172 ; Noes, 19. (Division List No. 431.)

Question, "That the words of the Bill to the end of Clause 1 stand part of the Bill," put accordingly, and agreed to.

Mr. Cave 1507

Amendment proposed—

"In page 1, line 22, at the end, to insert the words 'Provided that nothing in this Act shall render lawful any marriage between a man and his deceased wife's sister if he has been divorced from his wife by reason, wholly or partly, of his having committed adultery with such sister'"—(*Mr. Cave.*)

Question proposed, "That those words be there inserted in the Bill."

Mr. Haldane 1507
Mr. Rawlinson 1508
Mr. Simon 1509

Amendment, by leave, withdrawn.

Mr. Cave 1509

Amendment proposed—

"In page 1, line 24, after the word 'contingent,' to insert the words 'or presumptive.'"—(*Mr. Cave.*)

Question proposed, "That those words be there inserted in the Bill."

Mr. Haldane 1510

Amendment, by leave, withdrawn.

Mr. Carlile 1510

Amendment proposed—

"In page 2, line 8, at the end, to add the words, 'Nothing in this Act shall affect the devolution or distribution of the real or personal estate of any intestate who at the time of the passing of this Act shall be and shall until his death continue to be a lunatic, so found by inquisition.'"—(*Mr. Carlile.*)

Question proposed, "That those words be there inserted."

Amendment agreed to.

Mr. Rawlinson 1510

Amendment proposed to the Bill—

"In page 2, line 12, after '1857,' to insert the words 'and adultery with a wife's sister shall continue to be regarded as 'incestuous adultery' within the meaning of Section 27 of that Act.'"—(*Mr. Rawlinson.*)

Question proposed, "That those words be there inserted in the Bill."

Mr. Haldane 1511

Amendment, by leave, withdrawn.

Mr. Evelyn Cecil 1511

Amendment agreed to.

Motion made, and Question proposed, "That the Bill be now read a third time."

Mr. Laurence Hardy 1511
Lord R. Cecil 1512

Bill read the third time and passed.

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ADJOURNMENT—

Motion made, and Question, "That this House do now adjourn"—*Mr. Whiteley*—put, and agreed to.

Adjourned at four minutes after Six o'clock a.m.

HOUSE OF LORDS: THURSDAY, 15TH AUGUST, 1907.

The LORD CHANCELLOR informed the House that he had received from the Judge of the Bankruptcy Court in Ireland a certificate that the Earl of Clancarty, who sits in this House as Viscount Clancarty, was adjudicated a bankrupt on the 24th June, 1907 1513

PRIVATE BILL BUSINESS.

London County Council (General Powers) Bill.—The Consent of His Royal Highness the Prince of Wales, signified; and Bill reported from the Select Committee, with Amendments 1513

Barry Railway Bill.—Read 3^{a}, with the Amendments; and passed, and returned to the Commons 1513

Metropolitan Water Board (Various Powers) Bill.—The King's Consent signified; Bill read 3^{a}; Amendments made; Bill passed, and returned to the Commons 1513

Colne Valley Water Bill [H.L.]: Glasgow Corporation Bill [H.L.].—Returned from the Commons agreed to, with Amendments: The said Amendments considered, and agreed to 1513

Kilmarnock Corporation Water Order Confirmation Bill.—Brought from the Commons. Read 1^{a}; to be printed; and (pursuant to the Private Legislation Procedure (Scotland) Act, 1899) deemed to have been read 2^{a} (*The Lord Hamilton of Dalzell*), and reported from the Committee. (No. 178) 1513

RETURNS, REPORTS, ETC.

FISHERIES (IRELAND).—Report of the Department of Agriculture and Technical Instruction for Ireland on the sea and inland fisheries of Ireland for 1906. Part I. General Report 1513

COMMERCIAL No. 9 (1907).—Despatch by Lieutenant-Colonel Sir Henry Trotter reporting upon the operations of the European Commission of the Danube during the years 1894–1906, together with a *resumé* of its previous history; (with plan), (with reference to "Commercial, No. 6 (1894)").

Presented (by Command), and ordered to lie on the Table 1513

Marriage with a Deceased Wife's Sister Bill.—Brought from the Commons. Read 1^{a}; to be printed; and to be read 2^{a} on Tuesday next.—(*The Lord Tweedmouth.*) (No. 177) 1514

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Evicted Tenants (Ireland) Bill.—Amendments reported (according to order.)

Drafting Amendment in Clause 1, agreed to.

The Earl of Mayo 1515

Amendment moved—

"In page 2, line 4, to leave out the word 'considered,' and to insert the word 'have prior to the first day of November one thousand nine hundred and seven determined.'"—(*The Earl of Mayo.*)

The Lord President of the Council (*The Earl of Crewe*) 1515
Lord Barrymore 1516
The Earl of Crewe 1516

Amendment, by leave, withdrawn.

The Earl of Donoughmore 1517

Amendment moved—

"In page 2, line 16, to leave out the word 'involved' and to insert the words 'of acquiring the land, including the cost of compensating the tenant thereof (if any).'"—(*The Earl of Donoughmore.*)

Lord Denman 1517
The Earl of Crewe 1517

On Question, Amendment negatived.

Lord Eversley 1518

Amendment moved—

"In page 2, line 23, to insert, after the word 'manner,' the words 'except under special circumstances and with the consent of the Lord-Lieutenant.'"—(*Lord Eversley.*)

Lord Clonbrock 1522
Lord Robertson 1523
The Marquess of Lansdowne 1524
The Earl of Crewe 1524
Viscount Midleton 1525

On Question, "That those words be there inserted," their Lordships divided :—Contents, 28 ; Not-Contents, 126.

Lord Atkinson 1527

Amendment moved—

"In page 2, line 25, after the word 'Act' to insert the following new subsections :—(1) The Estates Commissioners shall frame a scheme or schemes, setting forth the lands proposed to be taken, and the

purposes for which the same are required. (2) More estates or tracts of land than one may be included in any such scheme or schemes in any case where the estates or tracts of land are subject to the same or similar considerations, or where it is apprehended that the proposals of the Estates Commissioners are or may be open to the same or similar objections, provided that the questions likely to be involved are such as may be conveniently dealt with on one application. (3) Advertisements shall be published, and notices given in the manner and upon the persons mentioned in the seventh section of the Housing of the Working Classes Act, 1890. (4) Upon compliance with the foregoing provisions with respect to the publication of advertisements and the service of notices, the Estates Commissioners shall present to the Lord-Lieutenant in Council, a petition praying that an order may be made confirming the said scheme or scheme. (5) On the hearing of the said petition any person whose lands are proposed to be taken compulsorily may appear at the hearing of such petition, and give evidence upon the question whether lands reasonably adequate for carrying out the said scheme or schemes in whole or in part may not be obtained by agreement on reasonable terms, and whether it is reasonable and proper that the lands mentioned in the scheme or schemes, or any of them, should be compulsorily acquired for the purposes of the same. (6) The Lord-Lieutenant may make an order declaring the limits of the area to be comprised in the said scheme or schemes, and authorising the same to be carried into execution. (7) Such order may be made either absolute, or with such conditions and modifications as he may think fit, so that no addition be made to the lands proposed to be taken compulsorily. (8) The order so made shall be valid without being confirmed by Parliament, and shall, without prejudice in other respects to the provisions contained in the eighth subsection of this section, be deemed and taken to have finally and conclusively determined that the Estates Commissioners are unable to obtain by agreement, on reasonable terms, land for the purpose of the scheme or schemes as confirmed, and that lands may be acquired compulsorily for the purposes of the same. (9) The Lord-Lieutenant may make such order as he thinks fit in favour of any person whose lands were proposed to be taken compulsorily for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing such scheme. (10) Rules may be framed by the Lord-Lieutenant in Council for the purpose of carrying into effect the provisions of this section, in order to carry the said scheme or schemes into effect.' "—(*Lord Atkinson.*)

The Earl of Crewe 1529
Lord Ashbourne 1533
The Lord Chancellor (Lord Loreburn) 1535
The Marquess of Lansdowne 1536

Amendment, by leave, withdrawn.

Lord Monteagle of Brandon 1538

Amendment moved—

"In page 6, lines 39 to 42, to leave out sub-section (10), and to insert the following new sub-section: '(10) If no petition has been presented within the prescribed period, or if such petition has been

Page

withdrawn, or if all questions under all petitions have been determined, a binding agreement for the purchase of the lands shall be deemed to have been concluded between the Estates Commissioners and the owner thereof, and the Land Commission shall forthwith pay the amount of the compensation into the Bank of Ireland, and the Estates Commissioners may make an order vesting the lands in the Land Commission.' "—(*Lord Monteagle of Brandon.*)

The Earl of Crewe 1538
Lord Atkinson 1539
Lord Monteagle of Brandon. 1540
The Earl of Crewe 1540
The Marquess of Lansdowne 1540

On Question, That the word "forthwith" stand part, resolved in the negative.

On Question, That the words "within six months" be here inserted, resolved in the affirmative.

The Lord Chancellor 1541
The Earl of Arran 1542

Amendment moved—

"In page 6, line 42, after the word 'order' to insert the words 'Provided always that in every case in which the owner of the said land shall, by notice in writing to the Estates Commissioners within the prescribed time, so require, the person or persons whom it is proposed to place in possession of said lands shall be placed there with the *status* of present tenants instead of purchasers, and shall from the date of being so placed in possession be subject to such rent as the Land Commission, failing agreement between the owner and such person or persons, may upon the application of either party determine to be the fair rent of such land pursuant to the provisions of the Land Law (Ireland) Acts, 1881 to 1896.' "—(*The Earl of Arran.*)

The Earl of Crewe 1542
The Earl of Mayo 1543
Lord Denman 1543
The Marquess of Lansdowne 1543

Amendment, by leave, withdrawn.

Lord Dunboyne 1544
Viscount Midleton 1544

Amendment moved—

"To leave out Clause 6.' "—(*Viscount Midleton.*)

The Earl of Crewe 1545

On Question, Amendment agreed to.

Lord Clonbrock 1545

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Amendment moved—

"In page 9, line 12, after the word 'sites,' to insert the words 'or which possesses for any reason an exceptional or accommodation value to the owner in connection with his farm.'"—(*Lord Clonbrock.*)

Lord Ardilaun 1547
The Earl of Crewe 1549
Viscount Midleton 1550
Lord Inchiquin 1551
Lord Dunboyne 1552

On Question, Amendment agreed to.

Amendment moved—

"In page 9, line 18, to leave out the words 'immediately adjoining and.'"—(*Lord Clonbrock.*)

The Earl of Crewe 1552

On Question, Amendment agreed to.

Lord Inchiquin 1553

Amendments moved—

"In page 9, line 25, to leave out the words 'purchased or taken,' and insert the word 'acquired.'"

"In line 26, to leave out the words 'hitherto enjoyed by the vendor' and insert the words 'therefore vested in the owner of the land.'"

"In line 27, to leave out the words 'vested in him notwithstanding such purchase' and insert the words 'be expressly reserved to him.'"—(*Lord Inchiquin.*)

Lord Denman 1554
Lord Ashbourne 1554

On Question, Amendments agreed to.

The Earl of Donoughmore 1554

Amendment moved—

"In page 10, line 19, after '1903,' to insert 'or may be resold to the vendor: Provided that no such land shall be sold to any person other than the original vendor, unless it shall have been offered to such vendor at a price corresponding to the price paid for any portion of such acquired land as has been resold under this Act, and unless he shall have failed to accept the said offer within a period of one month from the date thereof.'"—(*The Earl of Donoughmore.*)

The Earl of Crewe 1555
The Earl of Donoughmore 1556
Lord Ashbourne 1557
The Earl of Crewe 1557

Amendment, by leave, withdrawn.

The Earl of Mayo 1557

Amendment moved—

"To insert the following new Clause : '18. The provisions of this Act shall continue and remain in force for two years after the passing thereof, and no longer.'"—(*The Earl of Mayo.*)

The Earl of Crewe 1558

On Question, whether the word "three" be inserted, their Lordships divided :—Contents, 86 ; Not-Contents, 31.

On Question, new clause, as amended, agreed to.

Lord Clonbrock 1561

Amendment proposed—

"In page 12, at the end of the schedule, to insert—

Poor Law Valuation.	
Former Holding.	New Holding.
(14)	(15)

On Question, Amendment agreed to.

Bill to be read 3^{a} To-morrow and to be printed as amended. (No. 179.)

Prisons (Ireland) Bill.—House in Committee (according to Order). Bill reported without Amendment : Standing Committee negatived ; and Bill to be read 3^{a} To-morrow 1561

Lights on Vehicles Bill.—Read 3^{a} (according to Order), with the Amendments ; further Amendments made ; Bill passed, and returned to the Commons 1561

Vaccination Bill.—Read 3^{a} (according to Order), with the Amendment ; and passed, and returned to the Commons 1561

Council of India Bill.—Order of the Day for the Second Reading read.

The Lord Privy Seal (The Marquess of Ripon) 1562

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Moved, "That the Bill be now read 2ª."

Lord Ampthill 1564
Viscount Midleton 1568

On Question, Motion agreed to. Bill read 2ª accordingly, and committed to a Committee of the Whole House on Monday next.

Merchant Shipping (Tonnage Deductions for Propelling Power) Bill.—House in Committee (according to Order). An Amendment made. Standing Committee negatived. The Report of Amendment to be received on Tuesday next; and Bill to be printed as amended. (No. 180.) 1571

NATIONALTY CONVENTION WITH THE REPUBLIC OF HAYTI.

Lord Newton 1571
The Under-Secretary of State for Foreign Affairs (*Lord Fitzmaurice*) .. 1572

BUSINESS OF THE HOUSE.

The Marquess of Ripon 1574
The Duke of Northumberland 1574

House adjourned at twenty-five minutes before Nine o'clock, till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS: THURSDAY, 15TH AUGUST, 1907.

The House met at a quarter before Three of the Clock.

PRIVATE BILL BUSINESS.

Colne Valley Water Bill [LORDS]; Glasgow Corporation Bill [Lords].—Read the third time, and passed, with Amendments 1575

York (Micklegate Strays) (Re-committed) Bill [LORDS].—The Select Committee on the York (Micklegate Strays) (re-committed) Bill [Lords] was nominated of,—Mr. Charles Corbett, Sir Joseph Leese, Mr. George Nicholls, Mr. John O'Connor, Mr. Parker, Earl of Ronaldshay, and Mr. Waterlow.

Ordered, That the parties interested have leave to be heard by themselves, their counsel, agents, or witnesses.

Ordered, That the Committee have power to send for persons, papers, and records.

Ordered, That Three be the quorum.—(*Mr. Whiteley.*) 1575

Dumbarton Burgh and County Tramways Order Confirmation Bill [LORDS]; Dumbarton Burgh Order Confirmation Bill [Lords].—Considered; to be read the third time upon Monday next. 1575

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Aberdeen Harbour Order Confirmation Bill [Lords].—Order for Second Reading read, and discharged. Bill ordered, under Section 7 of the Private Legislation Procedure (Scotland) Act, 1899, to be considered To-morrow.

Order [14th August] that the said Bill be printed, read, and discharged 1575

Message from the Lords.—That they have agreed to :—Evidence (Colonial Statutes) Bill, without Amendment.

Amendments to :—Renfrewshire Upper District (Eastwood and Mearns Water Bill [Lords], without Amendment 1575

PETITIONS.

Marriage with a Deceased Wife's Sister Bill.—Petition from Southampton ; against to lie upon the Table 1576

Weekly Rest-Day Bill.—Petition in favour ; from Cardiff, and London ; to lie upon the Table 1576

RETURNS, REPORTS, ETC.

Navigation of the Danube (Commercial, No. 9, 1907).—Copy presented, of Despatch from Lieutenant-Colonel Sir Henry Trotter reporting upon the operations of the European Commission of the Danube during the years 1894–1906, together with a Résumé of its previous History (with Plan) [by Command] ; to lie upon the Table 1576

Poor Relief (England and Wales).—Return presented, relative thereto [ordered 12th August ; *Dr. Macnamara*] ; to lie upon the Table, and to be printed. [No. 309.] 1576

Fisheries (Ireland).—Copy presented, of Report of the Department of Agriculture and Technical Insturction for Ireland on the Sea and Inland Fisheries of Ireland for 1906. Part I. General Report [by Command] ; to lie upon the Table 1576

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

The Coastguard Service.—Question, Sir W. J. Collins (St. Pancras, W.) ; Answer, Mr. Lambert 1577

Protection of British Subjects.—Question, Mr. J. D. White (Dumbartonshire) ; Answer, Sir Edward Grey 1577

Inland Revenue—Penalties of Irregularities.—Question, Mr. Field (Dublin, St. Patrick) ; Answer, Mr. Runciman 1577

The Parliamentary Debates.—Question, Mr. Byles (Salford, N.) ; Answer, Mr. Runciman 1579

Out-relief in Halifax.—Question, Mr. Parker (Halifax) ; Answer, Mr. John Burns 1579

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Employment of Police Constables as Water Bailiffs in Dumfriesshire.—Question, Mr. Molteno (Dumfriesshire); Answer, Mr. Sinclair 1580

Short Platforms on the South Eastern and Chatham Railway.—Question, Mr. Evans (Lower Hamlets, Mile End); Answer, Mr. Lloyd-George .. 1581

Gooseberry Mildew—Prohibition of Importation of Bushes.—Question, Mr. Beck (Cambridgeshire, Wisbech); Answer, Sir Edward Strachey .. 1582

Punjab Revenue Assessments Agitation.—Question, Mr. Rees (Montgomery Boroughs); Answer, Mr. Murray 1582

The Army Reserve.—Question, Mr. Ashley (Lancashire, Blackpool); Answer, Mr. Haldane 1583

Committee of Defence—Position of Secretary.—Question, Mr. Bellairs (Lynn Regis); Answer, Sir H. Campbell-Bannerman 1583

QUESTIONS IN THE HOUSE.

Loch Long Torpedo Range.—Question, Mr. J. D. White (Dumbartonshire); Answer, The Civil Lord of the Admiralty (Mr. Lambert, Devonshire, South Molton) 1584

H.M.S. "Terrible."—Question, Viscount Turnour (Sussex, Horsham); Answer, Mr. Lambert 1585

West Tarring Volunteer Camp.—Question, Mr. Cleland (Glasgow, Bridgeton); Answer, Mr. Secretary of State for War (Mr. Haldane, Haddington) 1585

The Volunteers.—Questions, Sir Howard Vincent (Sheffield, Central), Mr. Gretton (Rutland), and Mr. McCrae (Edinburgh, E.); Answer, Mr. Haldane 1585

Defective Cartridges at Bisley.—Question, Sir Gilbert Parker (Gravesend); Answer, Mr. Haldane 1585

Railways in Yunnan Province.—Question, The Earl of Ronaldshay (Middlesex, Hornsey); Answer, The Under-Secretary of State for India (Mr. Charles Hobhouse, Bristol, E.) 1587

Asiatics in Natal.—Question, Mr. J. M. Robertson (Northumberland, Tyneside); Answer, Mr. Hobhouse 1588

South African Constabulary.—Question, Sir Howard Vincent; Answer, The Under-Secretary of State for the Colonies (Mr. Churchill, Manchester, N.W.) 1588

Panama Canal Labourers.—Question, Mr. Staveley Hill (Staffordshire, Kingswinford); Answer, Mr. Churchill 1589

Pacific Cable Route.—Question, Mr. Harold Cox (Preston); Answer, Mr. Churchill 1590

Transvaal Immigration Restriction Bill.—Question, Mr. Harold Cox; Answer, Mr. Churchill 1591

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LIVERPOOL SCHOOL OF TROPICAL MEDICINE.—Question, Major Seely (Liverpool, Abercromby); Answer, Mr. Churchill 1591

TAX ON ASIATICS IN THE TRANSVAAL.—Question, Dr. Rutherford (Middlesex, Brentford); Answer, Mr. Churchill 1591

TRANSVAAL IMMIGRATION RESTRICTIONS.—Question, Sir William Bull (Hammersmith): Answer, Mr. Churchill 1592

MORTALITY AMONG CHINESE LABOURERS IN SOUTH AFRICA.—Question, Mr. Fullerton (Cumberland, Egremont); Answer, Mr. Churchill 1592

CRIME AMONG THE CHINESE IN SOUTH AFRICA.—Question, Mr. Fullerton; Answer, Mr. Churchill 1593

REPATRIATION OF CHINESE.—Question, Mr. Fullerton; Answer, Mr. Churchill 1593

ORANGE RIVER COLONY REGALIA.—Questions, Major Seely (Liverpool, Abercromby), Mr. Patrick O'Brien (Kilkenny); Answers, Mr. Churchill .. 1593

WHITE LABOUR IN THE RAND MINES.—Question, Mr. Fullerton; Answer, Mr. Churchill 1594

SINO-BURMESE FRONTIER.—Question, The Earl of Ronaldshay; Answer, The Secretary of State for Foreign Affairs (Sir Edward Grey, Northumberland, Berwick) 1594

EGYPTIAN MILITARY SERVICE.—Question, Mr. J. M. Robertson; Answer, Sir Edward Grey 1594

CAIRO GIRLS' SCHOOL TEACHERS' RESIGNATIONS.—Question, Mr. J. M. Robertson; Answer, Sir Edward Grey 1595

EGYPTIAN SCHOOL OF AGRICULTURE.—Question, Mr. J. M. Robertson; Answer, Sir Edward Grey 1595

TURCO-PERSIAN FRONTIER COMMISSION.—Question, Mr. Lynch (Yorkshire, W.R., Ripon); Answer, Sir Edward Grey 1595

TURKISH RAID INTO PERSIA.—Question, Mr. Lonsdale (Armagh, Mid); Answer, Sir Edward Grey 1596

BRUSSELS SUGAR CONVENTION—NEW GENERAL ACT.—Question, Mr. Lonsdale; Answer, Sir Edward Grey 1596

KAID SIR HARRY MACLEAN.—Questions, Mr. Lonsdale, Mr. Fell (Great Yarmouth); Answers, Sir Edward Grey 1596

MR. ABBOTT'S RANSOM.—Question, Mr. Fell; Answer, Sir Edward Grey .. 1597

EMPLOYMENT OF CRIPPLED GIRLS.—Question, Mr. Chiozza Money (Paddington, N.); Answer, The Secretary of State for the Home Department (Mr. Gladstone, Leeds, W.) 1597

MOTOR 'BUS BREAKDOWNS.—Questions, Mr. Bowerman (Deptford); Answers, Mr. Gladstone 1598

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GISUPPI FARNARO.—Question, Mr. Thorne (West Ham, S.); Answer, Mr. Gladstone 1599

CIVIL RIGHTS OF PRISON OFFICIALS. — Question, Mr. Wiles (Islington, S.); Answer, Mr. Gladstone 1599

BATH MAGISTRATES AND THE RIGHT OF AFFIRMATION.—Question, Mr. T. F. Richards (Wolverhampton, W.); Answer, Mr. Gladstone 1600

BAIL FOR POOR PRISONERS.—Question, Mr. Mansfield (Lincolnshire, Spalding); Answer, Mr. Gladstone 1600

ALL-BRITISH STEAMSHIP SERVICE.—Questions, Mr. Harold Cox, Sir H. Vincent, and Sir Gilbert Parker; Answers, The President of the Board of Trade (Mr. Lloyd-George, Carnarvon Boroughs) 1601

LIFE INSURANCE.—Questions, Mr. J. MacVeagh (Down, S.); Answers, Mr. Lloyd-George 1602

AUSTRALIAN TARIFF.—Question, Mr. Chiozza Money; Answer, Mr. Lloyd-George 1603

PATENT OFFICE FEES.—Question, Mr. Barnes (Glasgow, Blackfriars); Answer, Mr. Lloyd-George 1603

CANADA AND THE ALL-RED ROUTE.—Question, Mr. Lonsdale; Answer, Mr. Lloyd-George 1604

SUGAR REFINING INDUSTRY.—Question, Mr. Fell; Answer, Mr. Lloyd-George .. 1604

GUARDIANS' OFFICES AND FRIENDLY SOCIETIES.—Question, Mr. T. F. Richards; Answer, The President of the Local Government Board (Mr. John Burns, Battersea) 1604

POSTMEN'S WAGES.—Questions, Mr. Chiozza Money; Answer, The Postmaster-General (Mr. Sydney Buxton, Tower Hamlets, Poplar) 1605

TELEGRAPHISTS AND VOLUNTEER CAMPS.—Question, Mr. Cleland; Answer, Mr. Sydney Buxton 1606

COST OF WEST AFRICAN MAIL SERVICE.—Questions, Mr. Wedgwood (Newcastle-under-Lyme); Answers, Mr. Sydney Buxton 1606

MORTOMLEY SCHOOL TEACHERS' SALARY.—Question, Lord Edmund Talbot (Sussex, Chichester); Answer, The President of the Board of Education (Mr. McKenna, Monmouthshire, N.) 1607

BOARD OF EDUCATION MEDICAL BUREAU.—Question, Sir Philip Magnus (London University); Answer, Mr. McKenna 1607

CHRISTOPHER WHARTON'S SCHOOL AT STAMFORD BRIDGE.—Question, Lord R. Cecil (Marylebone, E.); Answer, Mr. McKenna 1607

WALPOLE HOUSE FARM, NORFOLK.—Questions, Mr. Gretton (Rutland) and Sir F. Banbury (City of London); Answers, The Treasurer of the Household (Sir Edward Strachey, Somersetshire, S.) 1608

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All-Red Pacific Cable.—Question, Mr. Harold Cox; Answer, The Financial Secretary to the Treasury (Mr. Runciman, Dewsbury) 1609

Second Division Clerks—Annual Leave.—Question, Mr. Rendall (Gloucestershire, Thornbury); Answer, Mr. Runciman 1610

Free Grant Account—Credit Balance.—Question, Mr. J. D. White; Answer, The Secretary for Scotland (Mr. Sinclair, Forfarshire) 1610

Arrochar Pier, Loch Long.—Question, Mr. J. D. White; Answer, Mr. Sinclair 1611

Dundee Police Wages.—Question, Mr. Wilkie (Dundee); Answer, Mr. Sinclair 1611

Dundee Police Clothing.—Questions, Mr. Wilkie; Answers, Mr. Sinclair .. 1612

Musselburgh Tramway Strike.—Question, Mr. Seddon (Lancashire, Newton); Answer, Mr. Sinclair 1612

Mr. Timothy Rorke.—Question, Mr. Lonsdale; Answer, The Chief Secretary for Ireland (Mr. Birrell, Bristol, N.) 1612

Benmore Outrage.—Question, Mr. Lonsdale; Answer, Mr. Birrell 1613

Mr. Ginnell, M.P., and Cattle Driving.—Question, Mr. Lonsdale; Answer, Mr. Birrell 1613

Fohenagh Farm Dispute.—Questions, Mr. Charles Craig (Antrim, S.), Mr. Moore (Armagh, N.); Answers, Mr. Birrell 1613

Reinstatement of Evicted Tenants—System of Inspection.—Questions, Mr. Barrie (Londonderry, N.); Answers, Mr. Birrell 1614

Jacob Estate, South Wexford.—Question, Mr. Ffrench (Wexford, S.); Answer, Mr. Birrell 1615

The Outrage at Glenahira Lodge.—Questions, Mr. Charles Craig, Mr. Belloc (Salford, S.), Mr. John O'Connor (Kildare, N.), Mr. MacVeagh; Answers, Mr. Birrell 1615

Belfast Postmen's Grievances.—Question, Mr. Charles Craig; Answer, Mr. Sydney Buxton 1617

Rosslare Pier Telegraph Office.—Question, Mr. Ffrench; Answer, Mr. Sydney Buxton 1617

Friendly Societies and the Taxation of Land Values.—Question, Mr. Harold Cox; Answer, The Prime Minister and First Lord of the Treasury (Sir H. Campbell-Bannerman, Stirling Burghs) 1618

Proposed New Judge.—Question, Mr. Fullerton; Answer, Sir H. Campbell-Bannerman 1618

County of London Area.—Questions, Mr. Cave (Surrey, Kingston), Mr. Rees (Montgomery Boroughs); Answers, Sir H. Campbell-Bannerman 1618

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BUSINESS OF THE HOUSE.—Questions, Mr. A. J. Balfour (City of London), Mr. Patrick O'Brien (Kilkenny), Mr. Lyttelton (St. George's, Hanover Square), Lord R. Cecil, and Mr. Bottomley (Hackney, S.); Answers, Sir H. Campbell-Bannerman, The Parliamentary Secretary to the Treasury (Mr. George Whiteley, Yorkshire, W.R., Pudsey), The Chancellor of the Exchequer (Mr. Asquith, Fifeshire, E.), Mr. Speaker 1619

Vaccination (Scotland) Bill [LORDS].—Read the first time; to be read a second time on Monday next, and to be printed. [Bill 317] 1621

Public Health (Scotland) Amendment Bill [LORDS].—Read the first time; to be read a second time on Monday next, and to be printed. [Bill 323] .. 1622

Education (England and Wales) Bill.—"To make further provision with respect to Education in England and Wales," presented by Mr. Higham; to be read a second time upon Friday, 23rd August, and to be printed. [Bill 323] 1622

NEW BILL.

Employment of British Subjects Abroad Bill.—"To prohibit the engagement of British subjects for service in the place of workmen locked out on a strike in foreign countries," presented by Mr. Crooks; supported by Mr. Shackleton, Mr. Curran, Mr. Ramsay Macdonald, Mr. William Abraham (Rhondda), Mr. Arthur Henderson, Mr. Macpherson, Mr. Brace, Mr. Walsh, Mr. Enoch Edwards, Mr. John Ward, and Mr. Fenwick; to be read a second time upon Wednesday next, and to be printed. [Bill 324] .. 1622

Married Women's Property Bill.—Lords Amendment to be considered forthwith; considered, and agreed to 1622

Post Office Sites Bill.—Lords Amendment to be considered forthwith; considered, and agreed to 1622

Probation of Offenders Bill.—Lords Amendments to be considered forthwith; considered, and agreed to 1622

Companies Bill [LORDS].—Reported with Amendments, from Standing Committee C.

Report to lie upon the Table, and to be printed. [No. 310.]

Minutes of the Proceedings of the Standing Committee to be printed. [No. 310.]

Bill, as amended (by the Standing Committee) to be taken into consideration To-morrow, and to be printed. [Bill 321] 1622

STANDING COMMITTEE ON SCOTTISH BILLS.—Ordered, that the Standing Committee on Scottish Bills have leave to sit To-morrow during the sitting of the House.—(*The Lord Advocate*) 1623

Consolidated Fund (Appropriation) Bill.—Order for the Second Reading read. Motion made, and Question proposed, "That the Bill be now read the second time."

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Mr. A. J. Balfour (City of London) 1623
The Prime Minister and First Lord of the Treasury (Sir H. Campbell-Bannerman, Stirling Burghs) 1635
Mr. T. P. O'Connor (Liverpool, Scotland) 1641
Mr. Crooks (Woolwich) 1646
Mr. Rowlands (Kent, Dartford) 1653
The Secretary of State for War (Mr. Haldane, Haddington) 1655
Mr. Curran (Durham, Jarrow) 1660
Mr. Sloan (Belfast, S.) 1664
Mr. J. MacVeagh (Down, S.) 1667
Mr. Charles Craig (Antrim, S.) 1670
Mr. J. Ward (Stoke-on-Trent) 1674
The Chief Secretary for Ireland (Mr. Birrell, Bristol, N.) 1675
Sir Henry Craik (Glasgow and Aberdeen Universities) 1679
Mr. Lane-Fox (Yorkshire, W.R., Barkston Ash) 1687
Mr. Robinson (Brecknock) 1691
The President of the Board of Education (Mr. McKenna, Monmouthshire, N.) 1692
Sir William Anson (Oxford University) 1700
Mr. Mackarness (Berkshire, Newbury) 1705
Mr. Rees (Montgomery Boroughs) 1707
Mr. Lynch (Yorkshire, W.R., Ripon) 1711
The Secretary of State for Foreign Affairs (Sir Edward Grey, Northumberland, Berwick) 1715
Mr. Brace (Glamorganshire, S.) 1717
The Under-Secretary of State for the Colonies (Mr. Churchill, Manchester, N.W.) 1718
Mr. W. E. Harvey (Derbyshire. S.E.) 1719

Question put, and agreed to.

Bill read a second time, and committed to a Committee of the Whole House for To-morrow.

Public Health (Regulations as to Food) Bill.

Considered in Committee.

(In the Committee.)

Clause 1 :—

Mr. Gretton (Rutland) 1721

Amendment proposed—

"In page 1, line 9, to leave out the words 'preparation, storage, and distribution.'"—(*Mr. Gretton.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

Lord Balcarres (Lancashire, Chorley) 1723
Mr. Idris (Flint Boroughs) 1724
Mr. Bowles (Lambeth, Norwood) 1726
Mr. Claude Hay (Shoreditch, Hoxton) 1727

The President of the Local Government Board (*Mr. John Burns, Battersea*) 1728
Mr. Forster (*Kent, Sevenoaks*) 1732
Dr. Cooper (*Southwark, Bermondsey*) 1734
Mr. Gretton 1736
Mr. John Burns 1736
Lord Balcarres 1737
Mr. Claude Hay 1737

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 1, line 10, after the word 'for,' to insert the words 'sale for.'"—(*Mr. John Burns.*)

Amendment agreed to.

Dr. Cooper 1738

Amendment proposed—

"In page 1, line 13, to leave out the words, 'examination or.'" —(*Dr. Cooper.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

Mr. John Burns 1739

Amendment, by leave, withdrawn.

Mr. Harmood-Banner (*Liverpool, Everton*) 1740

Clause 1, as amended, agreed to.

New Clause :—

"All regulations made under this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893, shall apply to such regulations as if they were statutory rules within the meaning of Section 1 of that Act, and that Act as so applied shall, notwithstanding anything in Subsection 5 of Section 1 thereof, extend to Scotland, with the substitution of a reference to the *Edinburgh Gazette* for the reference to the *London Gazette*."

Brought up, and read a first time.

Motion made, and Question proposed, "That the clause be read a second time."

Mr. Pike Pease (*Darlington*) 1741
Mr. Moore (*Armagh, N.*) 1742
Mr. Claude Hay 1742
Mr. Charles Craig 1743
The Parliamentary Secretary to the Treasury (*Mr. George Whiteley, Yorkshire, W.R., Pudsey*) 1745

The Parliamentary Secretary to the Local Government Board (*Dr. Macnamara, Camberwell, N.*) 1745
Mr. Claude Hay 1746
Mr. John Burns 1747

Question, put, and agreed to.

Clause read a second time, and added to the Bill.

The DEPUTY-SPEAKER took the Chair and the Bill was reported, with Amendments, to the House.

Bill reported; as amended, to be considered to-morrow (Friday).

Irish Land (No. 2) Bill.

Considered in Committee.

(In the Committee.)

Clause 1:—

Mr. Moore (*Armagh, N.*) 1749

Amendment proposed—

"In page 1, line 3, after the word 'Commission' to insert the words 'acting through the Judicial Commissioner.'"—(*Mr. Moore.*)

Question proposed, "That those words be there inserted."

Mr. Gordon (*Londonderry, N.*) 1749
The Attorney-General for Ireland (*Mr. Cherry, Liverpool, Exchange*) .. 1750
Mr. Moore 1751
Mr. Charles Craig 1751

Amendment negatived.

Mr. Fetherstonhaugh (*Fermanagh, N.*) 1752

Amendment proposed—

"In page 1, line 5, after 'Land Commission,' to insert the words with the approval of the Judicial Commissioner and after giving to the person entitled to 25 per cent. of the rent purchase money, or other net profit under Section 13, Subsection 3, of the Irish Land Act, 1903, an opportunity of being heard.'"—(*Mr. Fetherstonhaugh.*)

Question proposed, "That those words be there inserted."

Mr. Cherry 1753

Amendment, by leave, withdrawn.

Mr. Ainsworth (*Argyllshire*) 1753

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Amendment proposed—

"In page 1, line 5, to leave out the word 'sell.'"—(*Mr. Ainsworth.*)

Question proposed, "That the word 'sell' stand part of the clause."

Mr. Cherry 1754

Amendment, by leave, withdrawn.

Amendments proposed—

"In page 1, line 6, to leave out the words 'for his own benefit.'"

"In page 1, line 6 and 7, to leave out the words 'on such terms.'"

"In page 1, line 8, after the word 'proper,' to insert the words 'and at the best rent or price, as the case may be, which may be obtainable.'"—(*Mr. Cherry.*)

Amendments agreed to.

Mr. Barrie 1754

Amendment proposed—

"In page 1, line 10, at end, to insert the words 'always provided that such intention to let, lease, sell, or demise, has duly been published in the newspapers, and inviting offers for such rights, one month to be allowed for sending in of offers.'"—(*Mr. Barrie.*)

Question, proposed, "That those words be there inserted."

Mr. Cherry 1755
Mr. Moore 1755
Mr. Charles Craig 1756

Amendment, by leave, withdrawn.

Mr. Cherry 1756
Mr. Moore 1756

Amendment proposed—

"In page 1, line 14, at end to insert the words, 'And the Land Commission shall be primarily responsible to the occupier of the lands entered upon for the purposes of this Act for any compensation or damages by reason thereof to which such occupier 'shall' become entitled, and same shall be part of their expenses under this Act.'"

Question proposed, "That those words be there inserted."

Amendment, by leave, withdrawn.

Mr. Cherry 1578

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Amendment proposed—

"In page 1, line 23, at the end to add the words, 'The powers conferred upon the Irish Land Commissioner by this section shall only be exercised with the approval of the Judicial Commissioner, and after having, where practicable, ascertained the views of the person entitled to the aforesaid percentage."

Mr. Moore 1758
Mr. Gordon 1759
Mr. Moore 1759

Amendment agreed to.

Clause 1, as amended, agreed to.

Clause 2:—

Mr. Fetherstonhaugh 1759

Amendment proposed—

"In page 2, line 6, to leave out Subsection (2), and insert, 'It shall be the duty of the personal representative of the testator within the time limited by this section to register any such charge.'"—(*Mr Fetherstonhaugh.*)

Question proposed, "That the words 'such registration' stand part of the clause."

Mr. Cherry 1761
Mr. Moore 1762

Amendment negatived.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Mr. Fetherstonhaugh 1763

New clause:—

"Subsections 3, 4, and 5, of Section 54 of the Irish Land Act, 1903, are hereby repealed."—(*Mr. Fetherstonhaugh.*)

Brought up and read a first time.

Motion made, and Question proposed, "That the clause be read a second time."

Mr. Cherry 1764
Mr. Charles Craig 1764
Mr. George Whiteley 1765
Mr. Forster 1765
Mr. Moore 1766

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Amendment, by leave, withdrawn.

Bill reported, with Amendments, to the House

Judicature (Ireland) Bill.

Considered in Committee

(In the Committee.)

Clause 1 :—

Mr. Forster 1766
Mr. Charles Craig 1767
Mr. Claude Hay 1767

Bill reported, without Amendment; to be read the third time To-morrow (Friday).

ADJOURNMENT.

Motion made, and Question, "That this House do now adjourn"—(*Mr. Whiteley*)—put, and agreed to.

Adjourned at a quarter before Three a.m.

HOUSE OF LORDS: FRIDAY, 16TH AUGUST, 1907.

VISCOUNT GORT.—Petition of John Standish Surtees Prendergast Viscount Gort, in the Peerage of Ireland, claiming a right to vote at the elections of Representative Peers for Ireland; read, and referred to the Lord Chancellor to consider and report thereupon to the House 1769

PRIVATE BILL BUSINESS.

Alexandra (Newport and South Wales) Docks and Railway (Additional Capital, etc. Bill.—Read 3ª, with the Amendments, and passed, and returned to the Commons 1769

PETITIONS.

SMALL LANDHOLDERS (SCOTLAND) BILL.—Petition against: of Persons signing; read, and ordered to lie on the Table 1769

RETURNS, REPORTS, ETC.

BOARD OF AGRICULTURE AND FISHERIES.—Report on the Second International Dairy Congress, held at Paris in October, 1905, including a detailed account of the proceedings relating to international co-operation for the prevention of butter adulteration; with an appendix 1769

STATISTICS.—Statistical Abstract for the United Kingdom in each of the last fifteen years from 1892 to 1906. Fifty-fourth Number 1769

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LABOUR STATISTICS.—Eleventh Abstract of Labour Statistics of the United Kingdom, 1905–1906 1769

IRISH LAND ACT, 1903.—Report of the Estates Commissioners for the year ended 31st March, 1907, and for the period from 1st November, 1903, to 31st March, 1907; with appendices 1769

PUBLIC WORKS (IRELAND).—Seventy-fifth annual report of the Commissioners of Public Works in Ireland, with appendices, for the year ended 31st March, 1907 1770

TRADE REPORTS (ANNUAL SERIES).

No. 3901. Brazil (Bahia, 1904–1906).
No. 3902, Italy (Lecce) 1770

BROOKLANDS MOTOR-RACING TRACK.—Dr. Reginald Farrar's report to the Local Government Board on the accommodation of navvies engaged in the construction of the Brooklands motor-racing track, near Weybridge; with some suggestions relating to constructional works in general.

Presented (by Command), and ordered to lie upon the Table .. 1770

Post Office Sites Bill.—Returned from the Commons with the Amendment agreed to 1770

Married Women's Property Bill.—Returned from the Commons with the Amendments agreed to 1770

Probation of Offenders (No. 2) Bill.—Returned from the Commons with the Amendments agreed to 1770

AGRICULTURAL HOLDINGS ACT, 1906.

The Earl of Camperdown 1770
The President of the Board of Agriculture and Fisheries (Earl Carrington) 1771

Criminal Appeal Bill.—Read 3ª (according to Order).

Lord Ashbourne 1771

Amendment moved—

"In page 3, line 10, after the word 'appeal' to leave out the word 'and' and to insert the word 'or.'"(—*Lord Ashbourne.*)

The Lord Chancellor (Lord Loreburn) 1772
Lord James of Hereford 1773
The Marquess of Lansdowne 1774

On Question, Amendment agreed to.

Lord Collins 1774

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Amendment moved—

"In page 6, line 18, to leave out from the first 'and' to the word 'shall' in line 20."—(*Lord Collins.*)

The Lord Chancellor 1775

On Question, Amendment agreed to.

Amendment moved—

"In page 10, line 36, to leave out the words 'the prescribed' and to insert the word 'such,' and after the word 'charges' to insert the words 'as the Treasury may fix.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Amendment moved—

"In page 10, line 36, after the word 'charges' to insert the following new subsection :—'(2) The Secretary of State may also, if he thinks fit in any case, direct a transcript of the shorthand notes to be made and furnished to him for his use.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Consequential Amendment agreed to.

The Lord Chancellor 1776

Amendment moved—

"In page 11, line 19, after the word 'Chancellor' to insert the words 'and so far as the rules affect the governor or any other officer of a prison, or any officer having the custody of an appellant, subject to the approval also of the Secretary of State.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Drafting Amendment agreed to.

Amendment moved—

"In page 13, line 29, after the word 'recommendation' to insert the words 'and a recommendation so made by the Court of Criminal Appeal shall have the same effect for the purposes of Section 3 of the Aliens Act, 1905, as the certificate and recommendation of the convicting Court.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Bill passed, and returned to the Commons.

Evicted Tenants (Ireland) Bill—Read 3^a (according to Order).

The Earl of Mayo 1777

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Amendment moved—

"In page 3, lines 24 to 29, to leave out Subsection (6) of Clause 2.—(*The Earl of Mayo.*)

The Lord President of the Council (*The Earl of Crewe*) 1777

On Question, Amendment agreed to.

Lord Ashbourne 1777

Amendment moved—

"In page 4, line 2, after the word 'order' to insert the words 'including any question of law or fact under Section 1, Subsection (3) and Section 6.' "—(*Lord Ashbourne.*)

The Earl of Crewe 1778
Lord Ashbourne 1778

On Question, Amendment agreed to.

Amendment moved—

"In page 5, lines 3 and 4, to leave out the words 'Purchase of Land (Ireland).' "—(*Lord Dunboyne.*)

On Question, Amendment agreed to.

Drafting Amendments agreed to

Lord Monteagle of Brandon 1779

Amendment moved—

"In page 6, line 42, after the word 'determined' to insert the words 'in such a manner that the Estates Commissioners would be entitled under the order of the Judge of Assize, or of the King's Bench Division, or of the Court of Appeal, as the case may be, to acquire the said lands.' "—(*Lord Monteagle of Brandon.*)

The Earl of Crewe 1780
Lord Atkinson 1780
Lord Dunboyne 1781
The Lord Chancellor 1781
Lord Ashbourne 1781
The Earl of Crewe 1782

On Question, Amendment agreed to.

Drafting Amendments agreed to.

Lord Ashbourne 1782

Amendment moved—

"In page 9, line 20, after the word 'owner' to insert the words 'of any land proposed to be acquired under this Act,' and to leave out the words 'an alternative site which' and to insert the words 'to sell any other land as an alternative in lieu thereof and'; and in line 21, to leave out the words 'fully and fairly,' and after the word 'consider' to insert the words 'any such offer.'"—(*Lord Ashbourne.*)

The Earl of Crewe 1782
Lord Ashbourne 1783

On Question, Amendment, as amended, agreed to.

Drafting Amendments agreed to.

The Marquess of Lansdowne 1783
The Earl of Donoughmore) 1784

Amendment moved—

"In page 10, line 16, to leave out the word 'may' and to insert the words 'after having been offered to the person from whom it was acquired may if the offer is not accepted by him within the prescribed time.'"—(*The Earl of Donoughmore.*

On Question, Amendment agreed to.

The Earl of Crewe 1784

Amendment moved—

"To leave out Clause 17 and to insert the following new clause:—(18) The provisions of this Act conferring powers for acquisition of land and for the determination of tenancies continue in force for four years after the passing of this Act."—(*The Earl of Crewe.*)

The Earl of Mayo 1785

Amendment moved to the proposed Amendment—

"To omit the word 'four,' and to insert the word 'three.'"—(*The Earl of Mayo.*)

Viscount Midleton 1785
The Earl of Crewe 1785

On Question, Amendment to the Amendment agreed to.

On Question, Amendment, as amended, agreed to.

The Earl of Crewe 1785

Moved, "That the Bill do pass."—(*The Earl of Crewe.*)

The Marquess of Lansdowne 1789

On Question, Bill passed, and returned to the Commons.

EDUCATION IN WALES.

The Marquess of Salisbury 1791

Moved, " That there be laid before the House Papers relating to the recent administration of the Education Acts in Wales.—(*The Marquess of Salisbury.*)

The Earl of Crewe 1801
Lord Stanley of Alderley 1809
The Marquess of Salisbury 1814

Motion, by leave, withdrawn.

Prisons (Ireland) Bill.—Read 3ª (according to Order), and passed 1816

Small Holdings and Allotments Bill.—Brought from the Commons and read 1ª; to be printed; and to be read 2ª on Monday next; (*The Earl Carrington.*) (No. 181) 1816

House adjourned at half-past Seven o'clock, to Monday next, a quarter past Four o'clock.

HOUSE OF COMMONS: FRIDAY, 16TH AUGUST, 1907.

The House met at Twelve noon of the Clock.

ADJOURNMENT.

Resolved, That this House, at its rising this day, do adjourn till Monday next.—(*Mr. Whitley.*)

PRIVATE BILL BUSINESS.

North Staffordshire Railway Bill.—Lords Amendments considered, and agreed to 1817

Inverness Royal Academy Order Confirmation Bill.—Considered; to be read the third time upon Tuesday next. 1817

Aberdeen Harbour Order Confirmation Bill [LORDS] (BY ORDER).—Considered; to be read the third time upon Tuesday next 1817

RETURNS, REPORTS, ETC.

BOARD OF AGRICULTURE AND FISHERIES.—Copy presented, of Report on the Second International Dairy Congress held at Paris in October, 1905, including a detailed account of the Proceedings relating to International Co-operation for the Prevention of Butter Adulteration; with an Appendix [by Command]; to lie upon the Table 1817

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BOARD OF TRADE (LABOUR DEPARTMENT).—Copy presented, of Eleventh Abstract of Labour Statistics of the United Kingdom, 1905–6 [by Command]; to lie upon the Table 1817

STATISTICAL ABSTRACT (UNITED KINGDOM).—Copy presented, of Statistical Abstract for the United Kingdom, in each of the last fifteen years, from 1892 to 1906. Fifty-fourth number [by Command]; to lie upon the Table .. 1817

IRISH LAND ACT, 1903.—Copy presented, of Report of the Estates Commissioners for the year ending 31st March, 1907, and for the period from 1st November, 1903, to 31st March, 1907 [by Command]; to lie upon the Table 1817

PUBLIC WORKS (IRELAND).—Copy presented, of Seventy-fifth Annual Report of the Commissioners of Public Works in Ireland, with Appendices, for the year ending 31st March, 1907 [by Command]; to lie upon the Table .. 1818

TRADE REPORTS (ANNUAL SERIES).—Copies presented, of Diplomatic and Consular Reports, Annual Series, Nos. 3901 and 3902 [by Command]; to lie upon the Table 1818

HOUSING OF NAVVIES (BROOKLANDS MOTOR TRACK).—Copy presented, of Dr. Reginald Farrar's Report to the Local Government Board on the accommodation of Navvies engaged in the construction of the Brooklands Motor-racing Track, near Weybridge, etc. [by Command]; to lie upon the Table 1818

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

SUGGESTED REDUCTION OF PATENT FEES.—Question, Mr. Barnes (Glasgow, Blackfriars); Answer, Mr. Lloyd-George 1818

GRATUITY TO MICHAEL SHEA, POSTMASTER AT BONANE.—Question, Mr. Boland (Kerry, S.); Answer, Mr. Sydney Buxton 1819

GOVERNMENT GRANT TO HARTLEY UNIVERSITY COLLEGE.—Question, Lt.-Col. Philipps (Southampton); Answer, Mr. Asquith 1820

CUSTOMS BONDED WAREHOUSE ACCOUNTS.—Question, Mr. Sloan (Belfast, S.); Answer, Mr. Runciman 1820

IRISH SURVEYOR'S DEPARTMENT—OUTDOOR STAFF.—Question, Mr. Sloan; Answer, Mr. Sydney Buxton 1821

WORK IN STRABANE POST OFFICE.—Question, Mr. Sloan; Answer, Mr. Sydney Buxton 1822

NAVY—THE SUBMARINE SERVICE.—Question, Mr. John Benn (Devonport); Answer, Mr. Lambert 1823

THE HOME FLEET.—Question, Mr. Gretton (Rutland); Answer, Mr. Lambert .. 1823

KILLADEAS NATIONAL SCHOOL.—Question, Mr. Fetherstonhaugh; Answer, Mr. Birrell 1824

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SALE OF BARRACKS.—Question, Mr. Bellairs (Lynn Regis); Answer, Mr. Haldane 1825

PAY OF LABOURERS IN DEVONPORT GUN WHARF.—Question, Sir John Benn; Answer, Mr. Haldane 1825

MESSAGE FROM THE LORDS.—That they have agreed to:—Vaccination Bill, with an Amendment; Criminal Appeal Bill; Lights on Vehicles Bill; Evicted Tenants (Ireland) Bill; Barry Railway Bill; Metropolitan Water Board (Various Powers) Bill; Alexandra (Newport and South Wales) Docks and Railway (Additional Capital, etc.) Bill, with Amendments.

Amendments to:—Colne Valley Water Bill [Lords]; Glasgow Corporation Bill [Lords], without Amendment 1826

Criminal Appeal Bill—Lords Amendments to be considered upon Monday next, and to be printed. [Bill 326] 1826

Lights on Vehicles Bill.—Lords Amendments to be considered upon Monday next, and to be printed. [Bill 325] 1826

Evicted Tenants Ireland Bill.—Lords Amendments to be considered upon Monday next, and to be printed. [Bill 327] 1826

Vaccination Bill.—Lords Amendments to be considered upon Monday next, and to be printed. [Bill 328] 1827

Small Holdings and Allotments Bill—Order for the Third Reading read (King's consent and Prince of Wales' consent signified).

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. Jesse Collings (Birmingham, Bordesley) 1827
The Treasurer of the Household (Sir Edward Strachey, Somersetshire, S.) 1833
Viscount Castlereagh (Maidstone) 1838
Mr. Masterman (West Ham, N.) 1842
Mr. A. J. Balfour (City of London) 1848
Mr. Rogers (Wiltshire, Devizes) 1853
Mr. Lane Fox (Yorkshire, W.R., Barkston Ash) 1857
Mr. Nicholls (Northamptonshire, N.) 1860
Mr. Becks (Cambridgeshire, Wisbech) 1864
Mr. Beckett (Yorkshire, N.R., Whitby) 1866
Mr. E. A. Strauss (Berkshire, Abingdon) 1868
Mr. Chaplin (Surrey, Wimbledon) 1869
The Prime Minister and First Lord of the Treasury (Sir H. Campbell-Bannerman, Stirling Burghs) 1875

Question put and agreed to.

Bill read the third time and passed.

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Qualification of Women (County and Borough Councils) Bill [Lords].

Considered in Committee.

(In the Committee).

[Mr. Emmott, Oldham, in the Chair.]

Clause 1 :—

Amendment proposed—

"In page 1, line 8, to leave out from the word 'woman,' to end of line 9, and to insert the words 'if elected as chairman of a county council or mayor of a borough, shall not, by virtue of holding or having held that office, be a justice of the peace.' "—(*Dr. Shipman.*)

Question proposed, " That the words proposed to be left out stand part of the Question."

Amendment agreed to.

Clause 1, as amended, agreed to.

Clause 2 agreed to.

Mr. Dunn (Cornwall, Camborne) 1885

New clause—

" A married woman, although not entitled to be registered on the local government register of electors or the list of burgesses, shall nevertheless be entitled to be elected a councillor or alderman of any county or borough if she has for the whole of the twelve months preceding the election resided in such county or borough."—(*Mr. Dunn.*)

Brought up, and read a first time.

Motion made, and Question proposed, " That the clause be read a second time."

The Parliamentary Secretary to the Local Government Board (Dr. Macnamara, Camberwell, N.) 1887
Mr. Arthur Henderson (Durham, Barnard Castle) 1888
Mr. Holt (Northumberland, Hexham) 1889
Mr. J. Ward (Stoke-on-Trent) 1889
Mr. Lief Jones (Westmoreland, Appleby) 1890
Lord R. Cecil (Marylebone, E.) 1890
Dr. Shipman (Northampton) 1891
Mr. Silcock ((Somersetshire, Wells) 1891
Viscount Morpeth (Birmingham, S.) 1892
The President of the Local Government Board (Mr. John Burns, Battersea) 1892
Mr. Dunn 1894

Amendment, by leave, withdrawn.

Mr. Harmood-Banner (Liverpool, Everton) 1894

New clause—

> "That this Act shall not apply unless the Local Government Board has, on the application of any county or borough, by an Order to be published in such a manner as the Local Government Board may direct, declared this Act to be in force in the county or borough."—(*Mr. Fell.*)

Brought up, and read a first time.

Motion made, and Question proposed, "That the clause be read a second time."

Mr. John Burns 1896

Amendment, by leave, withdrawn.

Bill reported, as amended, to be considered upon Monday next.

Qualification of Women (County and Town Councils) (Scotland) Bill [LORDS.]

Considered in Committee.

(In the Committee.)

[Mr. EMMOTT (Oldham) in the Chair.]

Mr. J. D. White (Dumbartonshire) 1896

Amendment proposed—

> "In page 1, line 13, after the word 'appeal,' to insert the words 'or (*b*) if elected as chairman of a county council or provost of a burgh, by virtue of holding or having held that office be a justice of the peace or burgh magistrate, or be eligible for election, or for acting, as a burgh magistrate, or as a judge in any police court; provided that where a woman is elected as provost of a burgh the number of bailies to be elected in the burgh shall while she holds office as provost be one more than the number otherwise fixed by law, and any additional bailie so elected shall hold office for the period prescribed by the law regulating the office of burgh magistrate or bailie, subject to the provision that he shall in no case continue to hold office after the woman has ceased to hold office as provost.' "—(*Mr. J. D. White.*)

Question, "That those words be there inserted," put, and agreed to.

Bill reported; as amended to be considered upon Monday next.

Butter and Margarine Bill.—Lord's Amendments considered.

Dr. Cooper (Southwark, Bermondsey) 1897

Amendment not seconded.

Lords Amendment agreed to.

Consolidated Fund (Appropriation) Bill

Considered in Committee.

(In the Committee.)

[Mr Emmott (Oldham) in the Chair.]

Clause 1 agreed to.

Clause 2 :—

Mr. Bowles (*Lambeth, Norwood*) 1898

Amendment proposed—

> " In page 2, line 3, at the end, to add the words ' And the Treasury shall repay the moneys so borrowed with interest not exceeding 5 per cent. per annum out of the growing produce of the Consolidated Fund, at a period not later than the next succeeding quarter to that in which the said moneys were borrowed.' "—(*Mr. Bowles.*)

Question proposed, " That those words be there inserted."

The Financial Secretary to the Treasury (*Mr. Runciman, Dewsbury*) .. 1899

Amendment, by leave, withdrawn.

Clauses 2 and 3 agreed to.

Clause 4 :—

Mr. Bowles 1899

Clause agreed to.

Clause 5 :—

Amendment proposed—

> " In page 3, line 25, to leave out from the word ' whereas ' to the end of line 26."—(*Mr. Bowles.*)

Question proposed, " That the words proposed be left out stand part of the clause."

The Chancellor of the Exchequer (*Mr. Asquith, Fife, E.*) 1903

Amendment, by leave, withdrawn.

Clauses 5, 6, and 7 agreed to.

Schedule agreed to.

Bill reported, without Amendment; to be read the third time upon Monday next.

Public Health (Regulations as to Food) Bill.—As amended, considered.

Motion made and Question proposed, "That the Bill be now read the third time."

Lord Balcarres (Lancashire, Chorley) 1904

Mr. John Burns 1905

Question put, and agreed to.

Bill read the third time, and passed.

Judicature (Ireland) Bill.—Order for the Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. Charles Craig (Antrim, S.) 1906

Question put, and agreed to.

Bill read the third time, and passed.

Isle of Man (Customs) Bill—Considered in Committee, and reported, without amendment; read the third time, and passed 1910

PUBLIC WORKS LOANS [REMISSION, ETC.].

Considered in Committee.

(In the Committee.)

Resolved that it is expedient to authorise the extension of the period for the repayment of certain Loans made by the Commissioners of Public Works in Ireland, and to authorise the remission of a debt due to the Public Works Loan Commissioners from the Cullen Harbour Commissioners, in pursuance of any Act of the present Session, to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans.—(*Mr. Whiteley.*)

Resolution to be reported upon Monday next 1910

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Prize Courts Bill [Lords].—Read a second time.

Bill committed to a Committee of the Whole House for Monday next.—(*Mr. Attorney-General*) 1911

Rule Committee Bill [Lords].—Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Lord R. Cecil 1911

Question put, and agreed to

Bill read a second time, and committed to a Committee of the Whole House for Monday next.—(*Mr. Attorney-General.*)

Whereupon Mr. Speaker, pursuant to the Order of the House of the 26th day of July last, adjourned the House without Question put.

Adjourned at sixteen minutes after Seven o'clock till Monday next.

End of Table of Contents to Vol. CLXXX.

An Asterisk (*) at the commencement of a Speech indicates revision by the Member.

THE

PARLIAMENTARY DEBATES

(*AUTHORISED EDITION*)

IN THE

SECOND SESSION OF THE *TWENTY-EIGHTH PARLIAMENT* OF THE UNITED
KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET
THE TWELFTH DAY OF FEBRUARY IN THE SEVENTH YEAR OF THE
REIGN OF

HIS MAJESTY KING EDWARD VII.

TWELFTH VOLUME OF SESSION 1907.

HOUSE OF LORDS.

Wednesday, 7th August, 1907.

PRIVATE BILL BUSINESS.

Employment of Women Bill [H.L.]; Pier and Harbour Provisional Orders (No. 2.) Bill [H.L.]. Returned from the Commons agreed to.

Birkenhead Corporation Water Bill [H.L.]. Returned from the Commons agreed to, with Amendments. The said Amendments considered, and agreed to.

Barry Railway Bill. Reported from the Select Committee, with Amendments.

LEITH BURGH ORDER CONFIRMATION BILL.

Order of the Day read for resuming the adjourned debate on the Amendment to the Motion for the Third Reading, viz., that the Bill be read 3ª this day three months.

LORD SALTOUN: My Lords, after what was said on the previous occasion by my noble friend the Lord Chairman, and in consequence of the great expense which would be entailed on the various parties, and also in view of the Amendment which is down on the Paper in the name of my noble friend Lord Plymouth, I will, with the permission of the House, withdraw my Amendment to the Motion for the Third Reading.

Amendment, by leave, withdrawn.

On Question, Bill read 3ª.

THE EARL OF PLYMOUTH: My Lords, I now desire to move the Amendment standing in my name on the Paper—namely, that Clause 4 be struck out. We were urged, in the debate the other day, by Lord Balfour and by the noble Earl the Chairman of Committees to look at this question from a broad point of view, and not to discuss on the floor of the House the merits of the Bill. I entirely accept that view. I do not attempt to ask the House to decide exactly what is the right amount of rate that should be charged by the Burgh of Leigh to the Commissioners of the Docks, but I do say that, on the facts before us, this clause has not received sufficient consideration, and that it would be only fair and right on the part of this House, looking at the question broadly, to cut out this clause if some further consideration of it cannot be obtained, because if it is passed I think that some injustice is very likely to be done.

It is impossible, in moving that this clause be struck out, to avoid mentioning what the grounds are for deleting it, and therefore, without any intention of going fully into the merits of the Bill, I must refer to what I consider the probable injustice that would be inflicted if the clause remained in. Clause 4 seeks to put a very serious additional burden on the Commissioners of the Port of Leith. This is not the first time that it has been attempted to upset an agreement which was based upon an agreement made in 1838, in which the Docks Commissioners of Leith obtained statutory exemption from certain borough rates, but, on the other hand, were bound to provide for the watching, lighting, etc., of the public quays and roads within the dock area, and also for maintaining two miles of road outside. This they are doing now, at a charge of £12,000 a year. In addition to this, they already pay rates amounting to £10,000 a year, including the public health rate, and therefore it cannot be said that they do not largely contribute to the rates.

It does seem to me, on the face of it, that it is most unfair, without very strong reason indeed, to break the agreement of 1838 on the one side by imposing rates from which the Docks Commissioners have for all these years been exempt, and on the other affording no relief from the duties that were imposed upon them in this agreement. It seems to me that on that ground alone it is right for this House to inquire how it came about that the Bill passed through the other House and that a reference to a Joint Committee was not agreed to. We have already heard that the Commissioners who inquired into this matter in Scotland were divided, and that the clause was passed by the casting vote of the chairman. I venture to think that when so important an agreement as this is sought to be upset, and when it is sought, as I have explained, to impose rates on the Docks Commissioners from which they got statutory exemption on the understanding that the obligations to which I have referred would be imposed upon them—I venture to think this should not be done by your Lordships' House unless you are fully in possession of the reasons for so doing.

The Commissioners are authorised to borrow money on mortgage. Very large sums have been borrowed and continually have to be borrowed. Every one who knows anything of dock property knows perfectly well that the changes which take place in the building of ships of all kinds necessitate very frequent additions and alterations to docks in regard to their equipment, and very often in the depth and size of the docks in order to make them up-to-date. The Commissioners of the Leith Docks have to borrow money for these purposes, and I think it is a serious thing, when the public has lent money on a certain security and with the knowledge that certain rates of the burgh of Leith are not charged on the Docks Commissioners, that a very large increase in rates should suddenly be imposed upon them. This may be a serious interference, not with their borrowing powers, but with the condition in which the lenders of money will find themselves in the future. It is purely on these broad grounds that I appeal to the House to strike out Clause 4. We have not sufficient information to justify this sweeping and sudden alteration, and, in view of the fact that the retention of the clause was only decided upon by the casting vote of the chairman, I think it would be a wise and just act to strike out the clause.

Amendment moved—

"To leave out Clause 4."—(*The Earl of Plymouth.*)

THE FIRST LORD OF THE ADMIRALTY (Lord TWEEDMOUTH): My Lords, on the last occasion when this Bill was before the House it was generally felt on both sides that it would be well if the two parties specially interested could meet and endeavour to come to some agreement on the one comparatively small point which is raised in this Bill. From the year 1867, when the Leith Dock Commissioners came into existence, up to the year 1905, they paid the public health rates; but, in consequence of a decision that was given in regard to a case at Greenock, they have not been paying those rates for the last two years, and in that period they have thus saved £4,800.

THE EARL OF PLYMOUTH: Have they not agreed to pay the public health rate now?

LORD SALTOUN: Yes, that has been agreed.

THE EARL OF PLYMOUTH: That point, therefore, does not enter into consideration.

LORD TWEEDMOUTH: I do not agree. On 31st July the Corporation of Leith were informed that—

"For the sake of peace and to avoid the possibility of one or other of the parties coming to Parliament next session the Dock Commissioners are prepared to accept Clause 4, if its coming into operation is postponed for ten years to 1918."

Yesterday the Leith Corporation proposed to meet the Dock Commissioners in this way—to amend Clause 4, and after the words—

"from and after the 15th day of May, 1908, the Dock Commissioners shall be liable to be assessed."

to insert the words—

"for the year ending the 15th day of May, 1909, on one-tenth, for the year ending the 15th day of May, 1910, on two-tenths, for the year ending the 15th day of May, 1911, on three-tenths, for the year ending the 15th day of May, 1912, on four tenths, and for the year ending the 15th day of May, 1913, and each succeeding year"—

and then the clause will read on as it now now stands—

"on one-half of the annual value of the lands and premises of the Dock Undertaking."

By that means the corporation will get another £6,000 during the five years that the sliding scale will be in force, which, with the £4,800 already saved, comes to £10,800. The proposal to postpone the clause for ten years would involve a sum of £30,000. I think that if a compromise could be arrived at on the lower sum and on the sliding scale it would be to the advantage of both parties, and I hope that such a compromise will be effected.

THE EARL OF CAMPERDOWN: My Lords, when the discussion was adjourned the other day we all hoped that the parties might meet and arrive at some arrangement which might make it unnecessary to continue this discussion further. Unfortunately such appears not to have been the case. My noble friend mentioned a proposed agreement just now, but he did not tell us—and I do not think it is the fact—that that agreement has been accepted; and therefore the matter comes before your Lordships in exactly the same position as when we last discussed it.

I am not going to enter into the merits of the question at all. But what is the position of the House in regard to this matter? All we know is that a certain proposal is made which would have the effect of repealing certain sections of an Act of Parliament. That is all we know. The Commission were equally divided on the point, and the matter was decided by the casting vote of the chairman. On the other hand, the Scottish Private Bill Procedure Act provided that there might be an appeal, and it specified that it should be to a Joint Committee of the two Houses in any case in which an appeal was thought desirable. The House of Commons has declined—and, of course, it has every right to decline—to grant its half of the Joint Committee, which makes a Joint Committee impossible. That is the form in which this question returns to the House. I frankly say that had I myself been in the position of chairman, when the Commission was equally divided I certainly should not have opposed a reference to a Joint Committee. That, however, was not the course that was taken, and now your Lordships have to decide what you are going to do with regard to this clause.

If ever there could be a case in which a rehearing was desirable, surely it was a case in which the Commission was equally divided, and, more especially, where the clause in question virtually repealed certain sections of an Act of Parliament. There cannot be an appeal; that is impossible. Well, what are your Lordships to do? There was an Amendment moved by Lord Saltoun to reject the Bill *in toto* on Third Reading, but my noble friend, very wisely, as I think, withdrew that Amendment; and it now remains for your Lordships to say whether you will pass the clause in the circumstances I have mentioned or adopt the

Amendment of Lord Plymouth. Speaking without any reference to the parties—I do not care anything about either of them—it seems to me that, in all the circumstances, the right course for this House to take is to delete the clause, and if the noble Earl takes a division upon his Amendment I shall vote with him.

LORD SALTOUN: My Lords, I rise to support the Amendment, and I do so on the broad grounds which the Chairman of Committees put before us when this matter was under discussion the other day. Unless your Lordships accept the Amendment the consequences will be far-reaching. Attempts at conciliation have been made but have utterly failed, and I therefore trust your Lordships will support the Amendment.

LORD MUSKERRY: My Lords, my noble friend, Lord Plymouth, in moving his Amendment, stated that one of his reasons for asking that Clause 4 should be struck out was that additional burdens would by it be placed on the Docks Commissioners, who had been granted exemptions from rating since 1838 on condition that they undertook to carry out certain matters, such as lighting. I am advised that this exemption from rating was granted because the Commissioners were debtors to the Crown to the extent of £390,000, £340,000 of which the Crown wiped off. Reference was also made to those who had lent money to the Docks Commissioners and whose interests it was said would be prejudiced, but I am informed that these loans are only for a period of five years; and, again, it is not proposed to levy rates on more than one-half of the annual value of the lands and premises of the docks. This clause is the most important part of the Bill, and if it is struck out a large sum of money will be involved. I strongly support the view taken by Lord Tweedmouth. The offer made by the Leith Corporation would result in a saving to the Docks Commissioners of £6,000, and I do not think they are entitled to more considerate treatment than that. Moreover, the throwing out of this clause would certainly necessitate Parliamentary action being again taken next year.

*LORD BALFOUR OF BURLEIGH: My Lords, I think that the position in which this House has been landed goes far to confirm what the noble Earl below the gangway has just said, that it is most unfortunate that there was not a rehearing granted in this important case. It is too late to say any more about it, and I can only personally express my deep regret that that course was not taken. A week ago we adjourned this discussion in the hope that the parties would to some extent come together. Up to the last moment they have stood apart and no real attempt at negotiation has taken place so far as I can see; but a letter which I received this morning shows that an offer was made yesterday by the Leith Corporation to the Docks Commissioners—the offer which Lord Tweedmouth read. It seems to me that if that offer had been made a little earlier it might have been a fair start for a compromise; and I deeply regret that the agents for the Leith Burgh, no doubt instructed by their clients, stood out to the last moment without making any offer of the kind. I should hope that, even now, the noble Earl, who has been, I presume, in communication with the Leith Docks Commissioners and is entitled to speak for them, may see his way to accept the offer; but, if he does not, I think those who have delayed so long making an offer will have incurred the responsibility of losing the clause. I appeal to the noble Earl whether he will not at the last moment accept the offer made by Leith Burgh. It is always safer for the House as a whole to put in an Amendment or strike out a clause if the course has been agreed upon by the parties. It is almost impossible for us to see what damage we may do if we act on *ex parte* statements. My only reason for rising was to make an appeal to the noble Earl to accept the offer, even though it falls short of what he and his friends think ought to be given, rather than run the risk of doing damage to interests on both sides by striking out the clause without knowing the full effect of that action.

THE LORD CHANCELLOR (Lord LOREBURN): Will your Lordships kindly consider what we are really doing? A large number of your Lordships know nothing at all about this clause or what the effect of its omission would be on the whole Bill. Will your Lordships look at the clause?—

"4. From and after the fifteenth day of May one thousand nine hundred and eight the Dock

Commissioners shall be liable to be assessed on one half of the annual value of the lands and premises of the dock undertaking as appearing in the valuation roll for the burgh general assessment and the general improvement rate under the Burgh Police (Scotland) Acts 1892 to 1903 for the burgh sewer rate under section 110 of the Water of Leith Purification and Sewerage Act 1889 and for the assessments under the Roads and Bridges (Scotland) Act 1878 and the town council shall as from that date impose and levy upon and recover from the Dock Commissioners in respect of the said lands and premises the said proportion of the said assessments. So far as necessary to give effect to the foregoing provisions of this section the provisions of section 49 (Assessment to be levied—rate of assessment—description of subjects liable to assessment) of the Act 7 & 8 George IV. cap. 112 section 45 (Assessment to be imposed) of the Leith Municipal and Police Act 1848 section 3 (Exemption in section 45 of 11 & 12 Vict. c. cxxiii to continue in force) of the General Police and Improvement (Scotland) Supplemental Act 1862 (Royal Assent 21st July 1863) section 86 (Assessments in burghs how to be levied and recovered) and section 101 (Saving as to Leith Harbour) of the Roads and Bridges (Scotland) Act 1878 section 97 (Saving obligations as to streets and exemptions from taxation) of the Leith Harbour and Docks Acts 1875 section 110 (Further provisions as to Leith drainage district) of the Water of Leith Purification and Sewerage Act 1889 subsection (6) of section 15 (Games &c. in parks) of the Leith Burgh Order 1904 and any other provisions of these Acts and Order and of any other Acts or Orders are in so far as such provisions exempt the Dock Commissioners and the dock undertaking from the aforesaid assessments hereby repealed."

I know nothing about the parties or the merits. I have not the least idea which side is right, and I undertake to say that is the position of nearly everyone of your Lordships. You will see that the clause refers to many kinds of assessment, and contains other provisions which it is impossible to understand from merely reading the clause. It is true that the decision was arrived at by the Commissioners in Scotland by the casting vote of the chairman, but it was done under the Scottish Act, the object of which was that these matters should be finally decided in Scotland. To adopt the Amendment would be a blow to that Act. And how is it possible for us to effect amendment by leaving out a whole clause without any information as to what it means or any knowledge as to how the omission of this clause would affect the other clauses? In all the circumstances, I think, it would be best to choose between two courses—to throw out the Bill altogether, which I hope will not be done, or to leave it as it is.

THE CHAIRMAN OF COMMITTEES (The Earl of ONSLOW): My Lords, the last stage has now been reached, and unless the noble Earl opposite or some Member of your Lordships' House is in a position to say whether the proposal which has been made and which has been read to the House by the noble Lord the First Lord of the Admiralty will be accepted, I do not see how your Lordships can further facilitate the coming to terms by the two parties. With reference to what has been said by the noble and learned Lord on the Woolsack, I think anyone who looks at the clause will see that the result of omitting it would simply be to leave matters as they are at present. I knew nothing whatever about the merits, and if your Lordships decide to leave the clause out you will be merely recording your opinion that another opportunity ought to be given to Parliament of considering whether or not the clause ought to be passed.

On Question, "That Clause 4 stand part of the Bill," their Lordships divided: Contents, 37; Not-Contents, 45.

CONTENTS.

Loreburn, L. (*L. Chancellor.*)

Crewe, E. (*L. President.*)
Ripon, M. (*L. Privy Seal.*)

Zetland, M.

Beauchamp, D.
Clarendon, E.
Craven, E.
Kimberley, E.
Portsmouth, E.

Althorp, V. (*L. Chamberlain.*)
Selby, V.

Birmingham, L. Bp.

Allendale, L.
Armitstead, L.
Balfour, L.
Bowes, L. (*E. Strathmore and Kinghorn.*)
Colebrooke, L.
Courtney of Penwith, L.
Denman, L.
Elgin, L. (*E. Elgin and Kincardine.*)
Eversley, L.
Fitzmaurice, L.
Glantawe, L.
Granard, L. (*E. Granard.*)

Hamilton of Dalzell, L. [*Teller.*]
Haversham, L.
Hemphill, L.
Joicey, L.
Muskerry, L.
Pirrie, L.
Ranfurly, L. (*E. Ranfurly.*)
Ribblesdale, L.
Sandhurst, L.
Saye and Sele, L.
Stanley of Alderley.
Tweedmouth, L. [*Teller.*]
Welby, L.

NOT-CONTENTS.

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Sutherland, D.

Bath, M.
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Salisbury, M.

Camperdown, E.
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Eldon, E.
Haddington, E.
Hardwicke, E.
Mayo, E.
Plymouth, E. [*Teller.*]
Vane, E. (*M. Londonderry.*)
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Falkland, V.
Falmouth, V.
Goschen, V.
Hill, V.
Hutchinson, V. (*E. Donoughmore.*)
Knutsford, V.
St. Aldwyn, V.

Abinger, L.
Ashbourne, L.
Avebury, L.
Barrymore, L.
Braye, L.
Brodrick, L. (*V. Midleton.*)
Clinton, L.

Dawnay, L. (*V. Downe.*)
Digby, L.
Faber, L.
Fairlie, L. (*E. Glasgow.*)
Kelvin, L.
Langford, L.
Lawrence, L.
Lovat, L.
Oriel, L. (*V. Massereene.*)
Redesdale, L.
Saltoun, L. [*Teller.*]
Sanderson, L.
Sinclair, L.
Stalbridge, L.
Stanmore, L.

Bill passed, and returned to the Commons.

PETITIONS.

BUTTER AND MARGARINE BILL.

Petition to be heard by counsel for amendment of; of Ashton-under-Lyne and District Grocers' and Provision Dealers' Association; Gravesend and District Grocers' and Kindred Trades Association; Hull and District Provision Dealers' and Grocers' Association; Bath Grocers' and Provision Dealers' Association; North Cotswold Grocers' Association; and Neath and District Grocers' and Provision Dealers' Association; read, and ordered to lie on the Table.

RETURNS, REPORTS, ETC.

HISTORICAL MANUSCRIPTS (ROYAL COMMISSION).

1. Report on American manuscripts in the Royal Institution of Great Britain. Vol. III.;

2. Report on the manuscripts of J. B. Fortescue, Esq., preserved at Dropmore. Vol. VI.:

Presented (by Command), and ordered to lie on the Table.

POLLING DISTRICTS (COUNTY OF DURHAM).

Order made by the council of the county of Durham altering certain polling districts in the Bishop Auckland Parliamentary Division: Laid before the House (pursuant to Act), and ordered to lie on the Table.

BRITISH EAST AFRICA.

Papers relating to British East Africa: Laid before the House (pursuant to Address of the 27th June last), and to be printed. [No. 158.]

BOARD OF AGRICULTURE AND FISHERIES.

Report of the progress of the Ordnance Survey, to the 31st March, 1907.

DISEASES OF ANIMALS ACT.

Report of proceedings as regards Ireland, for the year 1906.

SHIPPING CASUALTIES.

Shipping casualties which occurred on or near the Coasts, or in rivers and harbours, of the United Kingdom, from 1st July, 1905, to 30th June, 1906; and shipping casualties which occurred to British vessels elsewhere than on the Coasts of the United Kingdom, and to foreign vessels on or near the Coasts, or in rivers and harbours of British Posessions abroad, reported during the same period, &c., &c.,; with charts and appendices.

EVICTED TENANTS (IRELAND) BILL.

THE LORD PRIVY SEAL (The Marquess of RIPON): My Lords, I believe it would be for the convenience of the House that we should take the Committee Stage of the Evicted Tenants Bill on Friday next, and I therefore beg to give notice that I shall to-morrow, in moving the adjournment of the House, move that we adjourn until Friday instead of Monday.

THE MARQUESS OF SALISBURY: I suppose the House will meet at the usual hour on Friday?

THE MARQUESS OF RIPON: Yes: I understand that that will be most agreeable to Members of the House.

HOURS OF RAILWAY SERVANTS.

*LORD BALFOUR OF BURLEIGH: My Lords, I rise to call attention to the "Return of Railway Servants who were on duty on the Railways of the United Kingdom for more than twelve hours at a time for the month of April, 1907;" and to ask whether the Board of Trade will not revert to the former practice of publishing on the same page the total time from booking on to booking off, and also the additional figures supplied by the railway companies giving the time engaged upon responsible duty.

I have no doubt your Lordships are all familiar with the Returns to which I desire for a few moments to call your attention. They had their origin some time ago. I think the Act was passed, under which they are called for, at the time when the noble Viscount on the Front Bench was at the Board of Trade and I had the honour of serving there under him. For a considerable number of years Returns were asked for about once a year and were always rendered to the House in the same form. Recently the Board of Trade have asked for these Returns more frequently and have to some extent changed the form in which they are presented. I want, in the first instance, to assure the Government and the representative of the Board of Trade that in calling attention to the alteration which they have recently made in the form of the Return I do so in no spirit hostile to the Return itself. I believe these Returns are useful, and I think it is extremely desirable that the information sought for should be given in the fullest possible way. My case is not against the request for the Returns, but against the form in which they are presented, and I suggest to your Lordships that they are not now given in a form which does justice to the facts they are supposed to reveal to the public.

Down to the year 1902 when the Return was asked for no instructions were given as to the method in which it should be made up. But when asked for in October of the following year the Board of Trade issued instructions that the time to be taken for the purpose of the Return was the full time from start to finish, and that no kind of deductions were to be made. It is very desirable that the fullest information should be given, and it is quite clear that the bare fact of the number of hours on which a railway servant is supposed to be on duty does not reveal the whole of the case. I remember quite well that fifteen or sixteen years ago, when I was at the Board of Trade, a question was asked about one of these Returns, from which it appeared that a certain engine driver had been sixteen hours continuously on duty. That was true. He had served the company for sixteen hours and had received sixteen hours' pay, but what he had done during that period was this. He had run an excursion train from London to Brighton, which took him an hour and a half, and, after an interval of twelve hours, he had driven it back again, the intervening twelve hours having been spent on the beach at Brighton with his family, for whom he had obtained a free pass. It was for him an extremely light day's work, but for the exigencies of the railway company it was necessary that he should be on duty the whole time, and so, technically, he was on duty for the whole sixteen hours.

The point of the whole matter is this, that the first table in this Return gives the total time from the booking on to the booking off—that is, the whole time the man is away from home and on duty; but what you really want to know is the time in between those extreme hours on which the man has been really upon responsible duty. It is quite right that the whole time should be given, but it is not right that it should be given as if that particular table told the whole of the facts. Up till about six or eight months ago the additional figures were given in the same table, printed in italics. That has now been changed, and the additional information is put away in an appendix to the Return. The result of that has been that it seems as if during these recent months the number of times when excess duty has been worked has been largely increased, but that is not so; and the plea I make to the Board of Trade is that they should revert to the original practice if they can, and, if they cannot do that, for reasons of their own, they should in some way or other make it more easy to the public to ascertain the real facts.

I do not think I am making an extravagant request, because, after all, it is in the interest of everybody—the Board of Trade, the railway companies, the public, and the men themselves—that the facts, whatever they are, should be ascertainable from the form of the Return with as little trouble as possible; and when I tell the representative of the Board of Trade, as I do, upon the authority of the railway company whom to some extent I am representing to-night, that the alteration in the form has given rise to misconceptions, that we have received communication after communication commenting on the deterioration in our practice, which is not true in fact, I am sure he will see that we have, I will not say a grievance, because I am certain that in so far as we have suffered it has been unintentional on the part of the Board of Trade, but certainly something of which we may complain; and I hope that, either by the alteration of a heading or in some other way, the misconceptions to which I have referred may be got rid of. I believe it would help the public to obtain better and clearer and more accurate information if the Board of Trade were to revert to their original practice. All we want is that these Returns should be given in such a form as to render it easy for those who are interested in these matters to ascertain the true facts of the case.

THE EARL OF GRANARD: My Lords, I agree with a great deal that has been said by my noble friend as regards this Return. The great object of the Return should be, of course, to give to the public the whole of the facts, and the noble Lord appears to be of opinion that, owing to the new regulation which came into force when the last Return was furnished, the Return is not now given in a form which does justice to the facts it is supposed to reveal to the public. As far as the Board of Trade are concerned we are anxious to give the information as clearly as possible, and we regret that the change has met with the disapproval of the noble Lord. I do not think, however, that the Board of Trade are very anxious to revert to the old system. They are of opinion that the present system is the best, but I can assure my noble friend that before the next Return is issued we will do all in our power to meet his wishes.

FINANCE BILL.

[SECOND READING.]

Order of the day for the Second Reading read.

THE MARQUESS OF RIPON: My Lords, it would not be consistent with my position here to attempt to make, and certainly I doubt whether I should be capable of making, any sort of Budget statement on this occasion. That has not been the general practice in your Lordships' House. I therefore formally move the Second Reading of the Bill, but I shall be prepared later to answer any observations that may be made by any of your Lordships on the subject to which it relates.

Moved, that the Bill be now read 2ª—(*The Marquess of Ripon.*)

*VISCOUNT ST. ALDWYN: My Lords, this is a Bill which, I believe, your Lordships cannot amend, and which, I am quite sure, you would not desire to reject. But still it does afford a convenient and, I think, a constitutional opportunity for any observations which your Lordships may desire to make on the important question of the finances of the country; and as I was responsible for a good many years for those finances I hope I may not be deemed to be wasting your Lordships' time if I make some observations this evening both upon the general financial policy, as I understand it, of His Majesty's Government, and also upon the provisions of this particular Bill.

When His Majesty's present advisers came into office there was, I think, a widespread expectation that their first Budget would show, if not a new departure in finance, at any rate a very large reduction of the expenditure of the country. For many years previously they and their followers had made continued and bitter attacks upon the financial policy of their predecessors. Extravagance was almost the least of the charges they brought against that policy. But when the first Budget of the new Government was produced, that expectation was dispelled.

Last year the present Chancellor of the Exchequer admitted, in the discussions on the Budget, that it had no pretensions to be anything but a commonplace Budget, and said that in the circumstances in which he found himself it could not be otherwise, because he was practically bound by the Estimates of the late Government, for which he could not be responsible. That was a perfectly fair and definite position to take up. I never complained of it, and I think it was generally accepted as practically relieving him from criticism as to his proposals last year.

But at the same time the Chancellor of the Exchequer took occasion to refer, greatly to the disadvantage of his predecessors, to the enormous growth of the Estimates in the ten years preceding 1906, and he said that the amount of £111,000,000, at which the Supply Service stood for 1906–7, was excessive, and made a return to more thrifty and economical administration the first and paramount duty of the Government. He added that he believed that twelve months after that time he would be able to announce, without any weakening of the national services, a substantial saving. The mountain laboured for something like 14 months, but the result has been very small indeed. That £111,000,000 has been reduced in the present year to £110,112,000—a reduction of a good deal less than 1 per cent. I do not complain of that fact. I never expected the great reduction which the Chancellor of the Exchequer anticipated in 1906. I knew something of the difficulty of keeping the Estimates down, and the greater difficulty of reducing them. But I do venture to suggest to your Lordships that the fact that the Chancellor of the Exchequer has not been able to do more scarcely justifies the continued and bitter accusations made by Ministers and their colleagues against their predecessors. There are many supporters of the Government who are not a little disappointed by that result. They consist of those Members of Parliament to whom the Army and Navy Estimates are a form of expenditure which they would desire to abolish altogether. That, of course, is not the view of His Majesty's Government, and I am very glad that that is so. But it may be said that the small reduction to which I have referred may be, after all, but a beginning. I would suggest that, looking to the general policy of His Majesty's Government, there can be no reason whatever to expect any great reduction in future, and it is far more likely that there will be a considerable increase.

I will first take the Navy Estimates. The Navy Estimates for 1906–7, for which the late Government were responsible, were £31,869,000; this year they are £31,419,000—£450,000 less. There is another matter to be borne in mind, that provision is made to some extent in the Estimates of this year for expenditure on works which in previous years might have been borrowed. I mention that point, in passing, because it has this bearing on the future, that as there are to be no more loans of this kind the Estimates of next year must be charged with further amounts for works, and that applies also to the Estimates of succeeding years. Further, when those Estimates were prepared there was some anticipation, in the mind of the Prime Minister, at any rate, that something would result from The Hague Conference which would allow of a reduction of armaments; but nobody expects that now, and if it does not occur the Admiralty are pledged to build at once another "Dreadnought," and they will probably have an increase of the shipbuilding vote in other ways, and I am certain that my noble friend opposite, the First Lord of the Admiralty, will not tell the House and the country that he anticipates any reduction in the Navy Estimates in the future.

Then I come to the Army Estimates. The Army Estimates are £27,760,000, or £2,036,000 less than last year. I think it has been clearly shown, in the debates in this House on Mr. Haldane's new scheme, that the normal Army Estimates in future could not be less than 28 millions; and then there are always what are called "automatic increases"—a phrase perfectly odious to the Treasury, but extremely dear to the Admiralty and the War Office. In addition to that, there is usually some abnormal expenditure to be incurred by the War Office. At one time I had to find ten millions for a great reserve of stores and clothing, and since three millions have been required for the rearmament of the Artillery; and I believe the Army Estimates will never be without some abnormal expenditure of that kind.

Therefore, again I say, there can be no expectation whatever that the Army Estimates are likely to be reduced in future years. And then the Chancellor of the Exchequer has very properly laid down that it is necessary to improve the national credit by making large provision in future Budgets for the repayment of Debt. I am very glad that he proposes to do so, but that means a great addition in the amount to be levied by taxation.

As to the Civil Services, there seems to be no bounds to the expenditure desired, even by the economists, on matters like education. And then, as if that were not enough, His Majesty's present advisers have undertaken a great policy of social reform, which was eloquently referred to by the Chancellor of the Exchequer in his Budget speech, especially in improving the education of our children, and in the establishment of old-age pensions. There was a time when old-age pensions were advocated as a kind of reward in old age to poor hard-working men who had shown some special merit, or contributed in some way towards the pensions which they would receive. That has long gone by. The demand now is for pensions to be given to everybody who arrives at a certain time of life, who has not done any special service to the State, and without regard to any special merit or even any special need. In my opinion, pensions of that sort are worse than a waste of public money; they are the greatest possible incentive to the absence of self-reliance and thrift. I am sorry to see that the principle of pensions of that kind has been, if I understand rightly, accepted by the Prime Minister and by the Chancellor of the Exchequer, and in this Bill now before us the country is asked to provide a sum of a million and a half to be temporarily devoted to the payment of debt and to form a nest-egg towards the establishment of a Pension Fund. It has been estimated that any scheme of that kind must lead to an annual expenditure of something like 26 millions. I think I have satisfactorily established the fact that so far from its being likely that there will be any diminution of expenditure in the years to come expenditure is likely to be very largely increased.

Then comes the question, On what principles do his Majesty's advisers intend to provide for that expenditure? I hope the noble Marquess will not reply: "Sufficient for the year are the finances thereof," because I observe that the Chancellor of the Exchequer stated that he proposed to lay down the principles that would guide him during the next few years. I have studied this Bill; I have studied the speeches of the Chancellor of the Exchequer; and I will endeavour to place before your Lordships the result of that study. I am bound to say that it is not to me at all clear what those principles are. They are not, I think, the principles somewhat rashly laid down in a moment of enthusiasm by Mr. McKenna, who informed the House of Commons that he would gladly see indirect taxation altogether done away with, including, I suppose, the taxes on alcohol and tobacco. I do not think Mr. McKenna has given quite the study to financial questions which would have befitted the position of Financial Secretary to the Treasury. I hope his educational studies may make him a more efficient Education Minister. I do not suppose, however, that the sentence I have quoted represents the views of the noble Marquess or of the Chancellor of the Exchequer, but their policy, nevertheless, so far as I can understand it, is hopelessly drifting in that direction.

What are the principal financial proposals in this Bill? The Bill makes permanent the additional duties on alcohol and tobacco which I imposed for the purposes of the war. But practically, so far as any changes in taxation are concerned, it deals solely with direct taxation. It makes two changes in that respect. It proposes to increase the estate duties by a very considerable percentage on estates over £150,000 in value, and an additional supertax, I think it is called, on estates over one million in value; with this result, that an estate, say, of three millions in value, which before the passing of this Bill would pay £240,000 in estate duty, would in future pay £400,000. I have no personal interest in this matter. My withers are entirely unwrung, and that, I think, is a very general view. But I would say this, that I am afraid the financial expectations of the Chancellor of the Exchequer as to the revenue resulting from that change will be very much disappointed. You may go a great deal too far, for financial purposes, in attempting to tax wealthy persons. Wealthy persons have discovered already various ways of evading the death duties, and to increase them to the extent proposed on the estates of those who are best able to pay for the cleverest advisers to look after their interests, will not, I think, produce that additional yield of £1,200,000 a year to the revenue which the Chancellor of the Exchequer anticipates.

The other change is the adoption of differentiation between earned and unearned incomes. That is a very old idea, and until the present year I thought it had been effectually exploded by Mr. Gladstone in his well-known speech of 1853. I really do not believe there was any sufficient reason for that change. As Mr. Gladstone himself urged, there is an important difference between the assessment of incomes under Schedule D and Schedule A. Incomes under Schedule D are self-assessed, with the result, as we know, that the assessment is very seldom accurate, or rather very often utterly inaccurate. The incomes under Schedule A are assessed by other persons than those who receive them. Therefore those assessments not merely accurately represent the real income of the person who receives that income, but, as a rule, very much more than the net income which goes into his pocket. There is another point. Persons whose incomes are precarious are relieved from a tax upon that portion of their incomes used for life assurance, and, lastly, Sir W. Harcourt's Budget in 1894 so largely increased the death duties on realised property that the direct taxation on incomes derived from property and on incomes derived from professions and trades may be considered to be on a level.

I do not however object to the allowance made by this Bill, which is confined to incomes not exceeding £2,000 in all, because everybody must feel that the income-tax presses more hardly on the comparatively smaller incomes. But as Mr. Gladstone urged in 1853, nothing is more dangerous than the attempt to remove an anomaly in the income-tax, for it is almost certain to create or to aggravate others. There is grave cause for complaint that in dealing with the matter the Chancellor of the Exchequer has entirely neglected to consider the position of income-tax payers under Schedule A, individual owners of houses or lands. I will not say that incomes from these sources are earned incomes. Schedule A imposes a property tax rather than an income-tax, but the fact is that there is greater exertion required from the owners of agricultural land or of small tenements in properly looking after their property than is required from many a sleeping partner in a business or professional firm, who have only to receive their incomes, which yet are to be treated as earned. The taxation of incomes under Schedule A is grossly unfair, as compared with incomes of companies. Companies are allowed all kinds of deductions not allowed to house and land owners, for management, for law charges, for insurance, for repairs, to the full extent of their expenditure; but the owners of land and houses are only allowed the 12½ or 16⅔ per cent. granted by Sir W. Harcourt in 1894, as some compensation for heavily increased death duties. Much fairer allowances are made in assessing property of this kind to estate duty, and there can be no reason whatever why it should not be treated equally for both kinds of duty, or why individuals should be more heavily taxed than companies.

These are important points of detail, but they are entirely neglected in the changes made by the Chancellor of the Exchequer. The points were brought forward in the House of Commons, but the only reply of the Chancellor of the Exchequer was that I, when Chancellor, had not made the allowance, and he would not do so. The answer was not quite fair, for I never felt myself in a position to differentiate between earned and unearned incomes. I only hope the matter will not escape notice in future years. It is not in the interest of anybody except, perhaps, of those who desire to tax landowners out of existence, that such property should be taxed unfairly as compared with other incomes.

I turn from a point of detail to principles. The Chancellor of the Exchequer held out no hope of a graduated income-tax, and he was wise; the attempt would be attended with enormous difficulty, and would lead to many evasions of the law. He held out a promise of a tax on motor-cars, an admirable suggestion; but I think the proceeds would be properly devoted if they went to the maintenance of highways. Further, there was a suggestion of an increase at some time of the duty on public-house licences. Well, my Lords, I have looked into that matter. I think he might possibly derive some income from an increase of those duties, but the amount would not be large, because it must be principally obtained from the most valuable houses, which are comparatively few, and the great mass of public-houses or beer-houses could not afford in these days of temperance to pay much increase without being taxed out of existence; so that, whatever the results might be, increase of revenue for the Exchequer would not be among them.

I think we may assume that in this Budget the changes in the direction of increasing the burden on the wealthier and lessening it on the poorer classes who pay direct taxation has been settled by the Chancellor of the Exchequer so far as his future policy is concerned, and the question is, what will be required to meet the large expenditure of the future? Is there always to be a shilling income tax in time of peace? The answer, of course, will depend on the policy of the Government in regard to indirect taxation. When I had to increase the revenue of the country for war purposes, and for peace purposes, I am sorry to say, as well, what I did in the way of indirect taxation was to raise the duties on tobacco and alcohol, to raise the tea duty, to impose the sugar duty and the corn and coal duties. After the war was over the tea duty and the income-tax were together lowered. The corn duty was abolished by Lord Ritchie, a step which many must now regret, for the abolition, while doing no good to anybody, deprived the Exchequer of two and a half millions of revenue

Last year the present Chancellor of the Exchequer took a penny off the tea duty, but I do not believe that the benefit reached the consumer. It has been held by previous Chancellors of the Exchequer, and the opinion has been confirmed by business men in the trade, that a reduction of less than 2d. in the tea duty does not reach the consumer. The same opinion led the Chancellor to reject the proposal for a reduction of a penny this year. The shilling export duty on coal was abolished by the present Government, at a loss of £2,000,000 a year to the Exchequer, and that has put some money into the pockets of coal producers and their workmen, but the whole of that duty certainly did not reach their pockets at the time of its abolition. I know, as Chairman of the Coal Conciliation Board for South Wales, that many coalowners maintain strongly that they only benefited by 3d. a ton, the rest having gone to foreigners, middlemen, shippers, and others. However that may be, undoubtedly the repeal of the coal duty had the effect of increasing the foreign demand for coal, and that increase has assisted in enormously raising the price to the British consumers, who after all, are the mass of the people, much more numerous and more important than those engaged in the production of coal. The effect to the British consumer of the abolition of the coal duty has been that he has to pay more for his coal than he paid when the tax was on. That has been the result of repealing the taxes which I imposed on corn and on coal.

Now I come to the tax on sugar. The tax on sugar was strongly attacked in the House of Commons this year. It was attacked, I am sorry to say, not merely by a number of those Members of Parliament, not all of them, who had promised their constituents to vote for the repeal of the duty, but also by members of the political Party to which I myself belong and who had made no such promise, but who, I think, must have forgotten on that occasion that there is a responsibility upon the Opposition to assist the Government of the day in providing the ways and means to meet expenditure of which the Opposition has approved. The tax was bitterly opposed, but the Chancellor of the Exchequer said he could not spare the money and resisted the attack. But did he defend the tax on its merits? No, my Lords, what he said was this, that—

> "The sugar tax ought not to form a permanent part of our fiscal machinery because it is vicious in principle, burdensome in its incidence, and unequal in its operation between different classes, but to halve it would do no good whatever to the great bulk of the consumers."

What does that mean? It means that the sugar tax will soon go like the other taxes to which I have referred; and yet that duty is not open to any objections on the ground of free trade. No doubt sugar is a raw material in the manufacture of confectionery and mineral waters; but as they are not necessaries of life, I do not see why they should not bear some taxation. This I do know, that the manufacture of mineral waters is a profitable industry even under the sugar duty, and that our export of confectionery, which has to compete against the confectionery of other countries where the sugar duty is higher than here, has actually increased since the sugar duty was imposed. I admit that sugar is a necessary of life. But is it to be an established doctrine nowadays that the people as a whole are to be relieved of all burdens of the State if they do not consume alcohol or tobacco? The tea duty was attacked this year as well as the sugar duty; and yet these are the only taxes by which the great mass of the people are obliged to contribute something towards the necessary expenditure of the country.

Mr. Gladstone made a remarkable observation on this matter in the year 1860, when the tea duty was 1s. 5d. in the £ and the sugar duty was far higher than it is now. He said—

> "If we are to have a very large scale of expenditure—

such as we have now, as well as a very high income tax which would have horrified him—

> "I cannot think, while the bulk of the burden should fall on the shoulders of those having property, that it is otherwise than desirable that the labouring classes should bear their share of the burden in a form in which it will be palpable and intelligible to them";

and only the other day Mr. Asquith, while referring to his scheme for social reform, supported this view by saying—

> "If we are to have social reform we must be willing to pay for it, the working and the consuming classes as well as the wealthier classes of direct taxpayers."

How does the Chancellor of the Exchequer propose to make the working and the consuming classes pay for social reform? I believe it is impossible to devise indirect taxation which will be more productive, of its kind, and less burdensome to the people, trade, and industry of the country than the taxes on tea and sugar. It is impossible to think that Mr. Asquith intends to adopt the proposals of the Tariff Reform League and to institute a duty on manufactured or partly manufactured goods. There is one thing upon which the Government are absolutely pledged, and that is that they will have nothing to do with protection in any form. I am glad to hear noble Lords opposite cheer, because in my belief such duties would not only do serious injury to the trade and industry of the country, but would produce very much less revenue than those who recommend them at present seem to anticipate.

I hope that I shall have some answer to the questions I have ventured to ask the noble Marquess, because if indirect taxation, with the exception of the taxes on alcohol and tobacco, is entirely to disappear in this time of very great expenditure, all I can say is that I see no possible result except the permanent maintenance of the income-tax at 1s. in the pound, and its probable increase considerably beyond that amount. I regard that as grossly unsound finance. I look upon it as not only very unfair to the very small proportion of people who bear the burdens of direct taxation, but as a policy which would, by removing so much of their incomes from the possibility of affording employment to others, do far more in the end to injure trade and industry than could possibly have been done by the continuance of the corn, coal, and sugar duties. But what is even worse is that if ever a time of trial again comes to this country, and come it will some day, an income-tax in time of peace at 1s. in the pound or more will be dangerous to the maintenance of the Empire and even possibly to the existence of our country, because it deprives us of the full use of the most important, most easy, and most convenient weapon of finance in time of war. My apology for detaining the House so long is that I desire to do my best to impress upon the Government and the country the danger of drifting, as they seem to be, in this direction in their financial policy, and of the probable result if they are going to abolish, as I fear they intend to do, further important sources of indirect taxation.

*LORD EVERSLEY: My Lords, before the noble Marquess replies I should like to be permitted to say a few words. The noble Viscount, who filled under the late Government the important position of Chancellor of the Exchequor with so much ability, has made a speech of a very interesting, and, in some respects, of a very caustic character. He began by not exactly attacking the Government, but rather by twitting them for not having reduced the expenditure of the country by more than they have done; and he ended his speech mainly by a defence of his own fiscal arrangements during the war.

With regard to the first part of his speech, it seemed to me that the noble Viscount hardly gave the Government credit for what they have done during the year and a half in which they have been in office, and it is on this point that I desire to make the principal observations that I shall address to the House. It seems to me that during the eighteen months that the Government have been in office they have done a great deal to improve the financial position of the country. In the first place, there is strong evidence, I think, that a spirit of economy has at last been introduced into the Departments, and that the Treasury, which, in my opinion, had lost control to a large extent over the expenditure of the Departments, has regained that control. The best proof of this is to be found in the fact that the expenditure of the country, during the year ended March 31st last, was no less than two millions below the estimated expenditure in the Estimates of the year. I believe that that difference is greater than has ever occurred in any previous year.

Credit is also due to the Government for having reduced the expenditure on the Army and Navy during the year and a half they have been in office by something over four millions. The noble Viscount did not give the figures, and he appeared to think that very little effect had been produced upon the expenditure of the Army and Navy during the time the present Government have been in power; but the figures I have before me show that the expenditure for the Army and Navy together for 1905 was £63,200,000 and the Votes for this year are £59,100,000—a difference of £4,100,000. I will not say that the reduction is sufficient. On the contrary, I hold the opinion very strongly that further reductions should and may be made, but at the same time this is a long step in advance in the direction we are aiming at, and I think the Government deserve considerable credit for having done so much.

But the most important point in which the Government seem to me to have done well in their finance is one on which the noble Viscount was entirely silent—I refer to the complete stoppage they have put to the vicious and unwise system of borrowing money for new military and naval works all over the Empire. This vicious system was begun, I must admit, by the late Liberal Government in the year 1895, but it was extended to a very much larger extent by the Government who followed, and at last had reached a point which really amounted to a scandal. The waste of expenditure on works of this kind which shortly afterwards proved to be useless has been enormous. I do not know whether your Lordships have read the recent Report of the Public Accounts Committee of the House of Commons, in which illustrations are given of the waste of expenditure in this direction. It appears from that Report that works were undertaken at a cost of no less than £1,000,000 at Tidworth in furtherance of the then Secretary of State for War's scheme of six Army Corps. Barracks were erected there at this gigantic cost in order to provide accommodation for eight battalions, but by the time the barracks were completed the scheme of six Army Corps was abandoned and it was found that only four battalions had to be provided for, and therefore half a million of money was wasted. Then at another place, Stobs, wherever that may be, it was proposed to buy training ground for one of these Army Corps at a cost of £750,000, but fortunately it was discovered in time that the site was not wanted, and only £56,000 was wasted on it. Another item of £150,000 is mentioned as having been spent at East Bulford on an establishment for the training of mounted infantry. The scheme of training mounted infantry appears to have been dropped, and that £150,000 has been wasted. There was an expenditure for a similar purpose elsewhere at Fermoy, the amount wasted being £35,000.

I have obtained a Return from the War Office showing what number of works authorised by the late Government have been abandoned during the last year and a half as useless. These works are ten in number, upon which no less than £3,826,000 was intended to have been spent. Fortunately, those works have been abandoned, and that money is saved. I have a list of thirteen other works on which large sums of money have been spent and all of which have since been given up as useless. They include barracks at St. Lucia, £241,000; barracks at Halifax, £59,000; barracks at Wei-Hai-Wei, £52,600; and barracks at St. Helena, £22,000. I have been unable to obtain a similar Return from the Admiralty, but I am assured, on authority which I cannot doubt, that works, involving the expenditure of many millions, authorised by the late Government, have been abandoned by the present Government within the last year and a half as useless and the money saved, and that other works costing millions of money, undertaken and carried out by the late Government are now recognised by the Admiralty as useless. In the aggregate no less a sum than £62,000,000 has been authorised for expenditure out of loan on works of this kind, and £51,000,000 have been actually expended; and it would be interesting to know how much of that has been wasted upon works which are now proved to be useless.

The present Government have determined to bring this system to an end, and, with the consent of all parties in the House of Commons, and urged on by the late Chancellor of the Exchequer, Mr. Austen Chamberlain, they have decided that in future works of this kind shall be voted in the Estimates for the year, according to the old tradition, whereby much saving will be effected. One of the worst features of this loan system has been that, while it lasted, there was practically no reduction of the debt. While with one hand the country was paying off debt by means of the Sinking Fund, with the other it was incurring debt, so that the one transaction balanced the other.

* VISCOUNT ST. ALDWYN: That was not so. A sum was placed every year on the Estimates for the repayment of capital and interest in connection with these loans.

* LORD EVERSLEY: My figures show that in one year at least there was a balance of expenditure over the money paid off by means of the Sinking Fund.

* VISCOUNT ST. ALDWYN: You are absolutely mistaken.

* LORD EVERSLEY: I have not got the exact figures with me, but I will undertake to say that during the three or four years before the present Government came into office the amount of money borrowed for the purpose of works of this kind nearly balanced the money paid under the Sinking Fund in reduction of debt. The abandonment of the loan system by the present Government has resulted almost immediately in a real reduction of debt, and in their first two years of office the present Government will have repaid £23,000,000 of debt, as compared with almost *nil* during the previous three or four years.

* VISCOUNT ST. ALDWYN dissented.

* LORD EVERSLEY: I say that is a great achievement on the part of His Majesty's Government, and one for which they deserve every credit. In addition, the Government since they have been in office, have reduced taxation by about £4,000,000, representing almost exactly the amount of reduction effected in military and naval expenditure. I cannot say that I am satisfied with the amount of reduction on the Army and Navy, and I cannot but hope that the reductions will be carried further. Recollecting that the expenditure upon the Army and Navy is still £14,000,000 greater than it was immediately before the South African war, that it is no less than £24,000,000 greater than it was when the last Liberal Government were in office in 1895, and looking to the much more favourable position of international politics, the great changes that have taken place in Europe, the disappearance of the Russian Fleet, and the agreement we have come to with France, I cannot but hope that there will be yet further reductions in military and naval expenditure.

The noble Viscount, towards the end of his speech, referred to the taxes which he imposed in the years 1901 and 1902 for the purpose of the late war. I think his argument was this, that he considered it wise to spread the taxation of the country over a wider area than we now do, and he argued in favour of continuing those taxes rather than maintaining the income tax at a high figure. The noble Viscount was not altogether fortunate in his attempt to impose new taxes. The noble Viscount told us that he imposed three new taxes—the corn tax, the coal tax, and the sugar duty. He has informed your Lordships that he approved of the corn tax, and that in his opinion it was unwise to repeal it. The noble Viscount declared that it had been no burden to anybody.

*VISCOUNT ST. ALDWYN: I said that its repeal had done no good to anybody.

*LORD EVERSLEY: I recollect that when he proposed this tax the noble Viscount expressed the opinion that the burden would not fall on the consumer; he thought the amount of the tax was so small that it would not increase the price of bread, and therefore would not fall on the consumer. But I recollect that later on he made a speech at Manchester in which he admitted that he had made a great mistake on that point.

*VISCOUNT ST. ALDWYN: Not a great mistake.

*LORD EVERSLEY: I have his words. I carry this extract with me because I find it a very good *vade mecum* to meet tariff reformers, who always say that the tax imposed on corn by the noble Viscount did not raise the price to the consumer. This is what the noble Viscount said at Manchester on the subject—

> "I thought that my duty last year on corn was so small that it would not increase the price of bread. I made a mistake. I found that in not a few cases it had the effect of giving an excuse to bakers to raise the price of bread, and therefore I confess I believe the doubling of that duty, and also the adding of new duties on meat and dairy produce, must increase the cost of food to the working classes."

The duty was repealed, I think very wisely, because it was found that the duty cast a burden on the consumers, and increased the price of bread.

*VISCOUNT ST. ALDWYN: Can the noble Lord show that the price of bread or corn was a farthing cheaper after the repeal of the duty?

*LORD EVERSLEY: The £2,500,000 must have fallen on somebody. May I ask the noble Viscount on whom it fell?

*VISCOUNT ST. ALDWYN: That is a question no one can answer.

Lord Eversley.

*LORD EVERSLEY: My opinion is that in the nature of things the tax fell ultimately on the consumers, as all these taxes on articles consumed by the people ultimately fall. The next tax that the noble Viscount imposed at that time was the coal tax, and I think there, again, he said that the tax would fall upon the foreigner and not upon the people of this country. As a matter of fiscal economics I believe it to be impossible for a country to impose a tax within itself so as to fall upon the people of another country, and indirectly this coal tax fell upon the people of this country. No doubt the foreign consumer paid somewhat more for the coal, but in the long run the effect of the tax was to lessen the export of coal from this country and *pro tanto* to reduce the wages fund of this country. Last year that tax was repealed with the general assent of the House of Commons, though not without protest from the noble Viscount.

The third tax which the noble Viscount raised in 1902 was the sugar tax, estimated to produce six millions, and there, I think, he admitted that it was to fall upon the consumer, because his argument was that it was desirable that the labouring people should contribute their share towards the expenses of the war—an argument with which at the time I quite agreed, for I think it was right that those who voted for the war should contribute to the expenses of it. But the sugar tax is a very bad tax, for it is levied upon an article of consumption second in importance only to corn. It has been, in my belief, a great burden to every working man's family in the country, and it is also a burden on a large number of manufactures; and I think the noble Viscount must have felt very sore a few weeks ago when the Party to which he belongs in the House of Commons voted unanimously for the repeal of the tax. I was glad that the Chancellor of the Exchequer, in debate upon the subject, admitted that it was a bad tax, and I hope that the half-promise he gave that it should be repealed will be redeemed before long; and then the last of the noble Viscount's taxes will have disappeared. My own impression is that the burden of present taxation upon the labouring people on sugar, tea, beer, tobacco, and spirits is a very heavy one. One proof of that is the want of elasticity in the revenue derived from these articles in the Customs and Excise. Notwithstanding the great prosperity of trade during the past year, there has practically been little or no increase in the receipts from these taxes, and I believe the cause to be that the burden is being severely felt. There are other bad symptoms showing the pressure on the people of taxes of this kind. Pauperism and offences against property began to increase from 1901–2 when these taxes were imposed, and have gone on increasing since then. I venture, therefore, to hope that the Government will be able to carry out the promise given by the Chancellor of the Exchequer, and that the sugar duty will be repealed at an early date.

*LORD AVEBURY: My Lords, I should like to associate myself with the noble Lord who has just sat down in expressing the hope that His Majesty's Government will realise the great importance of reducing our enormous National expenditure. The first thing which will probably strike anyone as regards the Budget is that, though we have had a period of peace and prosperity, we have no substantial and general reduction of taxation. At the same time this is not my main complaint, for I recognise the difficulty of any rapid decrease in expenditure, and appreciate the desire of the Chancellor of the Exchequer to make a substantial reduction of the National Debt. I cannot, however, but regret that he has not realised the importance of reducing the income-tax generally. Mr. Gladstone, we know, was opposed to the continuance of the tax.

For my own part, I have never advocated the entire abolition of the income-tax. It is, indeed, a tax on thrift, and very objectionable in that respect; though no doubt it has some advantages. In a sudden emergency—in time of war, for instance—it can be raised with perhaps less disturbance of financial arrangement than is possible in other ways. But, in order to be able to raise it in war, you must lower it in peace. To keep it, therefore, at the present excessive rate is impolitic. It is also unjust for several reasons. In the case of "wasting securities" it is a tax, not upon income, but on capital. Take, for instance, a mine, or quarry, with a life of, say 20 years. The annual tax is really five per cent. annually on the capital. Such a tax must, of course, tend to discourage our mining industry, both at home and abroad, and other similar cases might be given.

At first sight, no doubt, there is something plausible to be said for taxing the interest of investments at a higher rate than the income derived from present personal exertion. In the new jargon of the day one is said to be earned, the other unearned income. A man works hard, lives economically, invests his savings, and we are told that the income from his savings is unearned. Could there be a more misleading, a more absurd term, to apply? As Mr. Gladstone said—

> "Take the poor widow with £300 a year derived from investments, and bringing up a family; is she to be placed in a worse position and to be taxed at a higher rate than the small business or professional man making £300 a year from his business?"

The Chancellor has made an exemption for pensions, and I am glad of it, but surely it gives away his case. One man has an income of £1,000 a year. He saves £100 and invests it; that income is said to be unearned and is taxed at the higher rate. Another has an income of £900 and a pension; this is taxed at the lower rate. Surely, this is a very illogical and unjust arrangement. The fact is that it is impossible to draw any logical distinction between what are called earned and unearned incomes. The boundary is purely arbitrary. Moreover, I much doubt whether the increased expense will not swallow up the supposed advantage. Again, an income derived from an invention, and that of an author from a successful book, are to be treated as unearned income! Surely that is absurd. Further, the Bill repeals Section 133 of the Act of 1842, which allows an abatement of duty at the end of the year of assessment, where it is found that the profits of that year fall short of the average of the previous three years. Now why was this provision inserted? In commerce it often happens that, though a business is good on the whole, it leaves a loss in some years. For instance, most of our Fire Offices lost heavily last year in the San Francisco catastrophe. The arrangement was, therefore, just and equitable, and I submit ought not to have been disturbed.

Moreover, the mode in which it is proposed to levy the tax seriously aggravates the injustice. The Chancellor of the Exchequer, I know, does not intend this. He is under the impression that he is reducing an inequality, while, on the contrary, he is creating one. After a reasonable time the incidence of taxes tends to adjust itself. Wages, salaries, hours of work, and conditions of employment, under the beneficent laws of nature, by degrees arrange themselves equitably. Any alteration disturbs this equilibrium for a time, and, unless absolutely necessary, ought, therefore, to be avoided. But avowedly this Budget is arranged, not merely to raise the necessary amount for the service of the year, but to benefit some classes at the expense of others—or, in other words, to deprive some classes of part of their property in order to give it to others. No wonder a feeling of injustice and wrong is created.

The seizure of property is just as arbitrary, whether the few take from the many or the many from the few. That it is done under the form of law, and not by force, disguises the process, and makes it legal, but cannot make it just. It is really confiscation under the disguise of law. The majority, of course, may take away property from the minority if they choose, but I doubt if they will find it in the long run to be to their advantage, even in a pecuniary sense. Of course, I need hardly say that I am making no personal attack on the Chancellor of the Exchequer or upon noble Lords opposite. No doubt he and they are acting in what they believe to be the interests of the country. But is this so? Mr. Gladstone, we know, always objected to graduation. He maintained that you cannot make any reasonable and fair distinctions. The attempt, he said, would destroy the tax, and I see that Mr. Austen Chamberlain has recently expressed the same opinion. The Chancellor of the Exchequer speaks of—

> "an income-tax logically graduated from the top to the bottom."

Where does the logic come in? On what principle are you to go? It is not the amount of extra burden which seems to me the real objection. It must in fairness be admitted that men of wealth are liberal and generous for public objects or the claims of poverty and distress. That is not the real objection. The inherent vice of the system is the uncertainty and injustice. This is creating a feeling of general insecurity.

The Chancellor of the Exchequer has more than once assured us that the Government has no intention of attacking property; that there are no grounds for apprehension. Unfortunately, however, words and deeds do not agree. The Government is really Socialistic. They profess, no doubt quite sincerely, not to be Socialistic. They do not seem to me to know where they are going. The Fabian Society are more frankly Socialistic; they are more thorough-going, and know their own mind. The Government do not seize property all at once: they take one per cent. one year, and one per cent. another, but the principle is, and the ultimate results will be the same. The Chancellor of the Exchequer says he is influenced by the desire to secure equality of sacrifice. This is quite beyond his power. He takes an arbitrary amount of £2,000 a year. Does he suppose that all men of £2,000 a year are equally well off? The idea is absurd. Take two men each with £2,000, the one a bachelor, the other a married man with 10 children. Are they equally well off in a pecuniary sense? Or suppose one has to pay £1,000 a year to his mother, or his brothers and sisters. The fact is that the amount of income is little guide in such matters. One man with £1,000 a year may to all intents and purposes be richer than another with double the income. The Government look to the income, and overlook the responsibilities. They may say that they cannot go beyond the income. That is so, and it is just my argument. It makes their test entirely fallacious and misleading.

Look, again, at the death duties. Sir W. Harcourt imposed very heavy death duties. Who are the real sufferers? Primarily, of course, those who have to pay them. But the duties inflict great suffering on a wide circle. The heir cannot afford to live in the family house. He is compelled to shut it up and go away. Gardeners and others are necessarily dispensed with, they are thrown out of employment; local tradesmen lose their principal and other customers, and the whole village is upset. The poor are really the greatest sufferers. Moreover, Sir W. Harcourt made the death duties graduated. What we felt at the time was that the great evil of this was the uncertainty. Now the Government have increased them again. I believe in the long run the country will be no gainer. I doubt if, without graduation, the duties would not have produced quite as much. This, however, may be contested. It is impossible to prove one way or the other. But the pecuniary advantage, if any, to be gained by graduation, whether of the income-tax, death duties, or in any other form, is dearly bought if we remember the feeling of injustice and insecurity which such provisions necessarily create.

The next objection which I have to the Budget is that it seems to be part of a systematic attack on thrift. Savings are to pay a higher rate of income-tax than earnings; a man who spends all his income is to pay a lower percentage than one who is more prudent and economical. When a man has nearly reached an income of £2,000, he has no inducement to make a little more; indeed, he is discouraged from doing so. He is fined if he does. It is, therefore, a discouragement of thrift. Indeed, this is the tendency of much modern legislation. The hope of old-age pensions which is held out is another step in this direction. It is a proposal to revive the disastrous condition which prevailed in the early years of the last century. It was then called outdoor relief; now it is dignified by the name of a pension. But the change of name will not alter the nature of the payment. It will inevitably raise taxation and lower wages.

The proposal of Government takes us back to the time before 1834, when, as the *Charity Organisation Review* says—

> "almost the whole of the industrial population in many parts of England were in receipt of relief. Practically almost every poor person had an old age pension, and yet the condition of the poor was never so lamentable."

There have been five Commissions and Committees on the subject—three of experts and two of politicians. The three of experts were all against, the two of politicians were in favour of old age pensions. I much doubt if the country has at all realised the cost. In the recent Blue-book the Local Government Board put it at £30,632,000, without counting cost of administration, and express the opinion that it would not materially reduce our poor law expenditure. In fact, old age pensions will cost much more than the interest on the National Debt. In the Blue-book we are told that if half the amount was paid from the rates they would be raised no less than four shillings and eightpence in the £1. This would be ruinous to many, and would practically destroy some industries. Moreover, would the amount stop at 5s.? In New Zealand it did not, but pressure was exercised and the amount has already been doubled. The same might and very likely would be the case here. I have not much faith that candidates would be strong enough to resist the temptation to buy votes by conceding the demand. Sir E. Hamilton's Departmental Committee also reported that—

> "there would be an inevitable tendency to reduce wages,"

as was, we know, the case before 1834. Are the recipients of these pensions to be allowed to eke them out by working? And if not how are they to be prevented? Another evil is that they would probably increase pauperism. Mr. Harold Cox in the House of Commons quoted the Superintendent of the Melbourne Benevolent Asylum in Victoria as having said—

> "I think that the payment of these pensions has a tendency to increase pauperism."

Again, the honorary treasurer of the Melbourne Ladies' Benevolent Society was asked whether poverty was increasing or decreasing in Victoria, and replied—

> "We do not think that poverty is increasing, but we think the tendency to ask for assistance is increasing."

The tendency must also be to lower wages. Mr. Loch, probably the highest authority in the world on such a subject, tells us that—

> "if there is any truth in the teaching of history it is that State relief relaxes effort, prevents accumulation, and conduces to and makes possible the unemployment of labour. A dependent population loses the power of acquisition."

It is sometimes, however, said that these pensions are different from outdoor relief as being free from the "taint of the poor law." But as Lord Rothschild's Commission justly pointed out, any stigma must depend not upon the form in which the relief is given, but upon the cause which leads to it. Whatever discredit may attach to the receipt is just the same whether you call it poor relief or an old age pension. A pension which a man earns for himself stands on a very different footing. This form of pension is happily spreading, and will spread if we do not stop it. Various agencies are increasing substantially the number of aged persons in receipt of pensions. The trade unions, friendly societies, railway and other companies are doing much in this direction. The Local Government Board estimate that already no less than 250,000 persons are in receipt of pensions, and Lord Rothschild's Commission pointed out that

> "a large and constantly increasing section of the industrial population of this country do already, by prudence, self-reliance, and self-denial, make their old age independent and respected."

All these healthy and natural tendencies will be checked and choked by the hopes held out by Government. It is another step in the fatal process of making people more dependent and less independent; of making our countrymen lean more and more on the State, less and less on themselves; of breaking up the family and substituting the State. In the Colonies we are told that already children are ceasing to feel the moral obligation of supporting their parents. They begin to think that this is the duty of the State—*i.e.* of others. But, says the *Charity Organisation Review*, in an excellent article on the whole subject—

> "besides this there are the scarcely less natural obligations of employer to employed, neighbour to neighbour, and friend to friend. All these obligations constitute the repairing force and cement of society, and in displacing them we may be creating a void which the State can never supply. The force of this natural charity is little appreciated by public opinion because it works unseen."

The proposal, moreover, raises a number of questions which have not yet received any satisfactory answer.

Why is sixty-five to be the age? Why not sixty or seventy?

How is the age to be ascertained?

Why are pensions to be confined to old age? Why not for infirmity or illness?

Are pensioners to be allowed to work for wages?

If not, how is it to be prevented? If they do, are they to be punished? And if so, how?

Lord Avebury.

Moreover, if they are not allowed to work we know who will find them occupation? Spinoza justly said that—

> "if we wish to promote progress in the future we must retain the relation which Providence has instituted between conduct and consequences."

To children it is right that help should be given in the inverse ratio of their strength; to men it should depend on their deserts. These are the conditions of national prosperity, and they cannot be contravened with impunity. They are, moreover, primary principles of justice. It is unjust to deprive a man of the fruits of his industry; but you do him an even greater injury if you take from a man any of the inducements to industry and thrift. Neither course can be adopted without disastrous consequences.

The Budget rests on no principle; it has no finality. The Government are increasing the death duties; where is the process to end? They are taking threepence more from incomes of over £2,000 a year than from those below. Why threepence? And why £2,000 a year? There is no reason, no logic in the proposal. The result is a sense of insecurity which is gradually lowering the value of securities and is most injurious to the prosperity of the country. I submit, then, that the present Budget is unwise—(1) because the income tax is too high; (2) because it will be unjustly levied; (3) because the disposals discourage thrift; (4) because they diminish independence and promote dependence; (5) because they weaken family ties and family responsibility; and (6) because they are creating a feeling of injustice and a general sense of insecurity.

*LORD GLANTAWE: My Lords, I shall only detain you for a few moments. I cannot allow one of the statements made by the noble Viscount with regard to the coal tax to pass unchallenged. I disagree with a great many of the statements he made, but I will confine myself to the coal tax. There is no doubt whatever, in the mind of anyone who knows anything about the coal trade, that the effect of the tax was very disastrous in some parts of South Wales and in parts of England, especially where the percentage of "small" is much above the average. Had that tax been continued very many of the collieries in South Wales would have had to close their pits.

I was rather surprised to hear the noble Viscount (Viscount St. Aldwyn) state that some of the colliery owners had told him that the advantages to them of the repeal of the coal tax has only been about 3d. or 4d. per ton. As a matter of fact, contracts are being made for next year at something over 4s. per ton higher than could be obtained when the coal tax was in existence. The price of small coal when the tax was in force was 6s. per ton; contracts are now being made for next year at over 10s. per ton. It is true that the colliery owners did not receive the whole of the advantages of the removal of the tax. Its effect when first put on was greatly to reduce the wages of the men. Since the tax has been taken off the men's wages have advanced more than twenty per cent. Consequently the advantage has been very beneficial all round. And since the tax has been removed the quantity of coal exported has largely increased, thus benefiting the shipping trade, the railway companies, and the dock companies. I will not trespass on the patience of your Lordships by referring to other taxes. It has been proved beyond doubt that this tax was most prejudicial to this particular trade, which at that time was the only one taxed on its produce shipped to foreign countries.

*LORD FABER: My Lords, I should like, with your Lordships' permission, to address you for a few minutes on this Bill. I may say at once that I propose to discuss the question rather from the business than from the political point of view. I cannot say that in my view the Budget is a bad Budget. I think that in many respects it is certainly a good Budget, although, of course, there are things in it with which many of us disagree. I have nothing much to say about indirect taxation except this, that when Mr. Asquith introduced his Budget he made one statement which was received with general acclamation. It was, that as long as there was a war debt remaining, so long should certain war taxes remain in force. I thought that a good and plausible claim. I would point out that the South African war debt now stands at £120,000,000 and the war taxes produce £20,000,000 a year. If those taxes are to remain in force until the war debt is paid off, then that £20,000,000 a year should be applied to the reduction of the war debt instead of being used for the upkeep of the country generally.

The income-tax remains at 1s., and the death duties are still further increased. In consequence capital is getting frightened. Capital is beginning to leave the country, partly because of the high income-tax and the increased death duties, and partly because higher rates of interest are obtained in other countries. In my opinion it is foolish for capitalists to take the risks which they incur by investing their money in foreign countries. But that is, after all, a matter for capitalists. They forget the hidden dangers of investment in foreign countries—the dangers of Government, the dangers of Nature, the dangers of foreign peoples; and are willing to run the risk. Capital is frightened again by the fact that Cabinet Ministers, in addressing meetings in the country, forget that they are Cabinet Ministers, and the effect of their speeches has been to frighten capitalists and to do an immensity of harm. I was glad to see that at the opening of the Hampstead Tube Railway a Cabinet Minister who was present took the right line, and that on that occasion, perhaps for the first time, he was good enough to say that if money was invested in railways the investors should expect to receive an adequate return.

The death duties can be evaded by making gifts in one's life-time. A man hates to give away his money during his life-time, and up to now that has been the salvation of the death duties; but if you make the death duties too high you create a force which is stronger, and he gives away his money in his life-time and so defeats the tax. I begin to ask myself whether it is wrong to amass money, whether it is wrong to inherit money, whether it is wrong that a man should desire that his family should remain strong after his death; because it seems to me that these taxes are aimed against our great families and rich men. I had always thought that our great families and our wealthy men who had made their money by hard work were a source of strength to the country. A rich man walked into one of the insurance offices recently and wanted to insure his life for £150,000. He was sixty-five years of age, and was told that the premium would be £16,000 a year, and he expressed his willingness to pay that sum because he wanted to leave his successor in the position that he was in himself. He went on to say that in the course of nature his son would step into his shoes at about the age of fifty, and would have to pay £10,000 a year every year to leave the property in the same position to his son when he died. These death duties are going to act very prejudicially upon our great families.

An excellent feature in the Bill is the large Sinking Fund, because, after all, the making of a nation's finance consists in a very strong Sinking Fund. The future ascendancy of nations will rest largely on their money-bags, especially in these days when scientific equipment is worth more than even personal bravery and initiative. How should the Sinking Fund be applied? There were rumours at the beginning of the session that the Chancellor of the Exchequer was inclined to lend Sinking Fund moneys to the Irish Land Commissioners. That might have been expedient, but I do not know that it was wise. It was to prevent the Irish Land Commissioners from bringing out another Irish Loan, which would have been inconvenient; but I venture to think the proper policy was after all to support Consols, and for this reason. I have taken the trouble to go carefully through the price of Consols since 1880, taking the yearly yields and reducing to a common denominator the 3 per cents., the 2¾ per cents., and the 2½ per cents. I find that Consols were at their lowest in 1885. You could buy Consols in that year to pay you £3 1s.3d. per cent., from that year the price went up and the yield went down, until we got the highest price of Consols and therefore the lowest yield in 1897, when they paid £2 9s. 0d. per cent. Since then the yield of Consols has gone up and they can now be bought to pay about 3 per cent. That seems to me to be one reason why the Chancellor of the Exchequer should buy Consols for the Sinking Fund, especially as he would thereby have supported the whole of the gilt-edged marked.

The Duke of Wellington said in fighting a defensive action—

> "Keep the bulk of your troops ready for counter attack."

Lord Faber.

I say to the Chancellor of the Exchequer, "Keep the bulk of your Sinking Fund money ready to repel an attack on Consols whenever the market should seem about to make one." Something has been said about the price of Consols being lowered by the action and policy of the Government of the day; but the price of Consols is ruled rather by the demand for money all over the world. At present the demand for money is very keen in Japan, Germany, and America, and capital is always inclined to find the market which pays best, and I think on the whole that is the reason why Consols are so low. We shall see a rallying of Consols, probably directly trade begins to fall off, but not until then. There is another thing that may hurt us very much and affect our finance. I allude to the position of labour in South Africa. London is the only free gold market in the world, and London has got accustomed to receive from South Africa no less than half-a-million of gold per week. If that should fall off we should see a further and larger fall in our securities. There has been a reduction in Chinese labour and in native labour of about 4,000 out of 100,000, and if that went on it would interfere with the weekly shipments of gold. I end as I began, by saying that on the whole I do not think this Budget is a bad one. But what I am very much afraid of is the next Budget and the next after that.

The Marquess of RIPON and Viscount GOSCHEN both rose to address the House, but the Lord Privy Seal gave way.

VISCOUNT GOSCHEN: My Lords, I must apologise, in addressing your Lordships for the first time, for venturing to speak upon such a complicated subject as the Budget, and perhaps there are personal reasons which make it more difficult for me to do so; but in the few remarks which I shall make I shall not attempt to deal with any of the technical points which have already been dealt with, but shall confine myself to the general aspect.

It seems to me that three features stand out in this Budget. One is that, as the noble Viscount, Lord St. Aldwyn, said, we cannot look, in the future, in view of the social programme which has been foreshadowed by the Government, to any chance of remission of taxation. Another is that the Government, a free trade Government, has unintentionally dealt a blow at free trade. My views upon this subject are probably more in agreement with those of noble Lords opposite than with those of my noble friends who sit around me, and therefore I do not think noble Lords opposite will feel that I say this from any desire to make a Party point. Undoubtedly there are people who construed the speech of the Chancellor of the Exchequer as meaning that in the future a shilling would probably be the permanent rate at which the income-tax would stand for those who would not have an abatement under the present Bill. If you refer this to that arbiter who is often appealed to in public life, the man in the street, I think that, even though he be a free trader, he would be inclined to say that if in the future he was going to suffer from a permanent income-tax of a shilling and there was no chance of a remission of taxation—and I think it would be very hazardous to prophesy the possibility of any decrease in that direction—he would rather become a tariff reformer and obtain the money by indirect taxation. Personally I do not think that that is a very statesmanlike view to take, but perhaps it is human; and I am afraid there are more people who are guided by human considerations than by statesmanlike ideals.

The third feature is that the policy of the Government has had a depressing effect upon the finances of the country. Everyone knows that the City has been going through a very bad time, and that gilt-edged securities have fallen extremely low. I agree with the reasons given by Lord Faber for that state of things, but I know there are other reasons. I daresay I am the last person in this House who ought to venture a remark with regard to the low rate of interest on Consols, as it may be thought that an inherent responsibility attaches itself to my name. Whether that be so or not, I think that the Government of the day cannot disclaim all responsibility for the fall that has taken place in gilt-edged securities. Undoubtedly the investor has become alarmed at the effect that the Government's legislation, such as their Land Bills, is going to have on the trade of the country. The Government, through the Chancellor of the Exchequer, did do something which temporarily relieved the situation. Mr. Asquith's announcement with regard to the Transvaal loan had a temporary effect on Consols, but it was only an opiate which relieved the patient for a very short time. I am convinced that if you wish to restore a patient to a tranquil state of health, neither opiates nor temporary expedients will do it; you must relieve the patient from the anxiety that is affecting his mind. Until the investor is relieved in his mind, until his fears as to how the policy of the Government will affect capital are dispelled, there will still be a contributory cause of the state of depression existing in the commercial world.

THE MARQUESS OF RIPON: My Lords, I hope neither the House nor the noble Viscount who has just sat down, will think for a moment that I had the slightest intention of standing between him and your Lordships. I believe the noble Viscount addressed this House for the first time. He bears an honoured name, and I am sure your Lordships were glad to hear the speech he has made on this occasion. If I do not reply to the latter part of the noble Viscount's speech, although it involved an attack on the Government policy which I am quite ready to meet, it is because it does not relate to the question of finance. When the Bills which so much alarm the noble Viscount are before the House I shall be quite prepared to defend them.

The noble Viscount who spoke first concluded his most interesting speech with an apology. Nothing, I am sure, could have been more needless. We listened to that speech with the greatest interest; and so far as I am concerned, or the Government which I represent, there was not a word in his speech from beginning to end, of which we have any right to complain. The noble Viscount expressed considerable scepticism upon the probability of further reduction of expenditure in future years. I am too old to indulge in prophecy, and all I can say is that the burden of expenditure which lies on the people is an evil the Government will strive, as they have striven during the short time they have been in office, to reduce so far as may be consistent with the interests of the country. One of the principal results of the financial policy of my right hon. friend the Chancellor of the Exchequer, has been to make a very large reduction in the debt, and especially in the unfunded debt, of the country. That I believe to have been a sound policy. I understood the noble Viscount opposite to say that he agreed in that.

VISCOUNT ST. ALDWYN: Hear, hear.

THE MARQUESS OF RIPON: The state in which my right hon. friend found the unfunded debt was most unsatisfactory, and I think that it is a great public service which he has been able to render in so largely, so steadily, and so determinedly dealing with that question. The noble Viscount passed to a question of great importance, one that lies at the root of social policy, when he referred to old-age pensions. On that question I do not understand that there is any difference of opinion between the Government and the noble Viscount, except as to the time when it should be dealt with. It was not the Liberal Party who first brought the question into the front rank of political controversy, and perhaps I may be allowed to say that it is a dangerous thing to dangle a promise on the subject before the people and make no earnest effort to fulfil that promise. Personally, and as a member of the Government, I rejoice at the determination of my right hon. friend to make such financial arrangements as will enable him next year to do something substantial in this direction.

The noble Viscount had much to say about the sugar duty, a subject upon which his friends in another place differ in their view. I think it will be agreed that my right hon. friend was wise under existing conditions in not making a reduction. A small reduction, though it might benefit the large industrial businesses in which sugar is a raw material, would not benefit the consumer. There was a further reason in the desire of the Chancellor of the Exchequer to have a source of revenue free to deal with old-age pensions.

A great feature of the Budget is the method of dealing with the income-tax and the attempt to draw a distinction between earned and unearned incomes, and my right hon. friend is to be congratulated upon his attempt to deal with a problem which has in the past presented so many difficulties. I well recollect—I daresay there is no one in this House who recollects it so well as I do, for I was in the House of Commons at the time—the marvellous effect of Mr. Gladstone's speech in the year 1853. If I had been asked the day before he rose to introduce the great Budget what I thought the House would say to a proposal to make no distinction between earned and unearned incomes, I should have undoubtedly said that the House would almost universally have demanded the change. It was by the power of Mr. Gladstone's eloquence, and by his great authority upon fiscal questions, that he converted—and the noble Viscount, I think, will agree with me, that that is not a very easy thing to do—the House of Commons entirely to his own opinion as to the course to be then taken.

But upon what was it that Mr. Gladstone rested his determination not to deal with that question? It was because he looked upon the income-tax as a temporary impost; he declared it was not a permanent impost. He said he sympathised largely with the professional man who earned a large portion of his income, and a large portion of whose income was, consequently, very uncertain; but he regarded the income-tax as a great instrument of taxation to be used for certain large purposes, and he was unwilling to diminish in any way the efficiency of that instrument by introducing changes of this kind. We know the history of the income-tax. We know that there was a time many years ago when this distinction between earned and unearned incomes was tried. It was tried by Lord Henry Petty, the Whig Chancellor of the Exchequer of 1806, but it did not last, and when the income-tax was reverted to afterwards there was no such distinction, and the system which has been in force whenever there has been an income-tax from that time to this was brought into operation.

When Sir Robert Peel, in 1842, reverted to an income-tax he reverted to it in order to make a great operation, one of the greatest financial operations ever undertaken by a Chancellor of the Exchequer in this country—namely, the sweeping away of that multitude of insignificant duties by which the people and the trade of this country were so grievously oppressed. It was for that particular purpose that Sir Robert Peel resorted to the income-tax. Mr. Gladstone, in 1853, had a similar object in view; he had great financial reforms to introduce, and he determined to keep to the income-tax for that purpose. He never contemplated that the income-tax was to become a permanent part of the taxation of this country. He had a dislike to the income-tax; and your Lordships will recollect that at a certain famous General Election—I think in 1875—the principal contents of Mr. Gladstone's address to the electors was an expression of hope that if returned to power he might be able to abolish the income-tax. But he was not returned to power, and the income-tax was not abolished.

I think we may fairly say that we must now regard the income-tax as one of the mainstays of our financial system, not, of course, the income tax at 1s. in the pound, for that is another question; and if it is admitted, as I think it is generally admitted, that it is hard and unjust not to make the distinction which it is now proposed to make between incomes comparatively certain and incomes that are very uncertain, the time has come when the Chancellor of the Exchequer is bound to do what he can to relieve that undoubted grievance if it be possible to do so. Mr. Gladstone, as I understand, never said that it was impossible to do so. What he said was that it would be difficult and that it might impair the certainty of the results of the income-tax, because one of the great advantages of the income-tax is that if a large amount of money is needed for any purpose, it is only necessary to put on an extra penny and you know what you will get. As I have said, the work which the Chancellor of the Exchequer has undertaken is a bold one, but I think it was necessary; for when the Minister expresses his belief that the income-tax must remain a permanent part of the financial system of the country, it is his duty to make it as little burdensome as possible.

Then I pass from the income-tax to the proposals for dealing with the death duties. The result of the proposals in regard to the income-tax was to make a reduction in direct taxation. It was contrary to the policy of my right hon. friend and of His Majesty's Government that if you reduce direct taxation, you should not at the same time reduce indirect taxation; and therefore the Chancellor of the Exchequer had to look where he could find some addition to the direct taxation of the country, which would balance the reductions he had made in the income-tax, and he found it in the changes which he proposes to make in the death duties. Your Lordships know what those changes are. In the higher values a certain amount is added to the rate per cent., and the new principle of super-tax is introduced on the death duties on amounts which exceed £1,000,000. That, in my view, is a very sound principle. It was said, I think by my noble friend Lord Avebury, and certainly by Lord Faber, that the effect of that would be to discourage men from saving. For the last fifty years that has been said in regard to the death duties. But what has happened? The accumulated income of the country has grown year by year by leaps and bounds; and I see no reason to believe that this process will be stopped or retarded by the new taxation.

There were various matters on which the noble Viscount touched into which I do not think I need enter. The noble Viscount went slightly into a defence of his own financial policy. I have not the least wish to enter into any hostile criticism of the financial policy of the noble Viscount. I believe him to be a great financier, I believe him to be animated by very sound principles, and I was very glad to hear from him words which implied that on the great question of free trade he adhered firmly to the views which he had previously expressed upon that subject. The noble Viscount said that the policy of His Majesty's present Government was a free trade policy. The noble Viscount never said a truer thing in his life. It is a free trade policy and it will remain a free trade policy, for we have been placed in the position which we now occupy as the result of a general election which turned, as I believe, and as I always shall believe, on the issue between free trade and protection more than on any other question that was placed before the country at the time. I have to thank my noble friend Lord Eversley for what he said in support of the policy and action of His Majesty's Government. I was very glad that my noble friend reminded the House of what had been done by His Majesty's Government in the matter of the reduction of expenditure. I think that in that respect the noble Viscount was not quite fair to us, and I was very glad that my noble friend, a perfectly independent Member of your Lordships' House, reminded you of the course which the Government had taken. We did come into office on the principles of economy, and by those principles we intend to abide. But we have always said, and I repeat it to-night, that while we are in favour of a reduction of expenditure, we hold strongly to the view that there must be no reduction of expenditure which would endanger the safety of the country.

I think the noble Viscount admitted that he was in accord with the step which the Government have taken in abolishing the system of loans for works. No doubt it has thrown and will throw for a certain time, but not more than a certain time, an amount of extra expenditure upon the annual Votes which tells unfavourably when that matter is not considered, but the principle was unsound. It was a principle, as my noble friend at the Table, Lord Eversley, has shown, which had very evil effects in weakening the responsibility felt by those who have to deal with matters of this kind, and its abolition, I am confident, will place those matters on a sounder footing, Lord Avebury made some complaint about pensions being counted as earned income. Surely they are earned incomes. They have been earned in the past and are the result of services which have been rendered.

Lord AVEBURY: I did not complain of that. I thought that reasonable. What I said was that I did not see the logic of drawing a distinction between a pension, which is really deferred pay, and savings which might lead to the same result.

The Marquess of RIPON: I have stated the view which my right hon. friend has taken of that question. There was another point to which my noble friend adverted, upon which I should like to say a word. It is a technical point, and, of course, I am not acquainted with it myself, but I will tell the noble Lord what I am instructed is the view of the Government in respect to it. The noble Lord objected to the clause in the Bill which proposes the repeal of Section 6 of the Revenue Act of 1865. That was a concession made at that time, and I am instructed to say that the concession was found in practice to work very unfairly as between different taxpayers and between individual taxpayers and the Revenue, and its repeal was strongly recommended by a Committee presided over by the late Lord Ritchie. Therefore we have the authority of that Committee for the alteration which we propose to make in that respect. I thank your Lordships for the attention you have been good enough to give me. The subject lies outside my ordinary line of business, and I only hope that I have been able to afford to the noble Viscount at least a portion of the information which he desired.

On Question, Bill read 2^a: Committee negatived; and Bill to be read 3^a To-morrow.

VACCINATION (SCOTLAND) BILL [H.L.]

House in Committee (according to Order.)

[The Earl of Onslow in the Chair.]

Clause 1:—

Lord BALFOUR of BURLEIGH said the only Amendment to this Bill was the one standing in his name, viz., to add the following subsection:—"A registrar shall at any reasonable time allow searches to be made in such record of statutory declarations, and shall upon demand give a copy under his hand of any entry therein on payment of a fee of 6d. for each search and 3d. for each copy." He understood that the noble Lord in charge of the Bill was prepared to accept the Amendment with a slight verbal alteration to bring it into conformity with Section 15 of the Act of 1863; and, though the effect of this would be to charge 6d. more for a search and 3d. more for a certificate than he proposed, he would accept the alteration and move his Amendment in that form.

Amendment moved—

"In page 2, line 2, after the word 'post,' to insert the following new subsection: '(3) A registrar shall at any reasonable time allow searches to be made in such record of statutory declarations, and shall upon demand give a copy under his hand of any entry therein on payment of the fee for a search and a certificate respectively provided by Section 15 of the Vaccination (Scotland) Act, 1863.' "—(*Lord Balfour of Burleigh.*)

LORD HAMILTON OF DALZELL accepted the Amendment.

On Question, Amendment agreed to.

Remaining clause agreed to. Standing Committee negatived. The Report of the Amendment to be received to-morrow; and Bill to be printed as amended. [No. 161.]

POST OFFICE SITES BILL.

House in Committee (according to Order): The Amendment proposed by the Committee made: Standing Committee negatived: The Report of the Amendment to be received to-morrow.

PROBATION OF OFFENDERS (NO. 2) BILL.

House in Committee (according to Order): Amendments made: Standing Committee negatived: The Report of Amendments to be received to-morrow; and Bill to be printed as amended. [No. 162.]

RELEASED PERSONS (POOR LAW RELIEF) BILL.

House in Committee (according to Order): Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a to-morrow.

PUBLIC HEALTH (SCOTLAND) AMENDMENT BILL [H.L.]

Read 3^a (according to Order), and passed, and sent to the Commons.

MARRIED WOMEN'S PROPERTY BILL.

Read 3^a, with the Amendments, and passed, and returned to the Commons.

COUNCIL OF INDIA BILL.

Brought from the Commons. Read 1^a, and to be printed. [No. 159.]

SMALL SHOPS FOR SHOP ASSISTANTS BILL [H.L.]

A Bill to further extend the principle of class legislation by enabling shop assistants to advance in life at the expense of existing shopkeepers and other ratepayers—was presented by the Lord Wemyss (*E. Wemyss*); read 1^a; and to be printed. [No. 160.]

House adjourned at ten minutes before Eight o clock, till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS.

Wednesday, 7th August, 1907.

The House met at a quarter before Three o'clock.

PRIVATE BILL BUSINESS.

Glasgow Corporation Bill [Lords]. Reported, with Amendments, from the Police and Sanitary Committee; Report to lie upon the Table, and to be printed.

MESSAGE FROM THE LORDS.

That they have agreed to, Leeds (South Parade Chapel) Charity Bill; Kingswood (Whitfield Tabernacle, Schoolroom, &c.) Charity Bill; Longton (Caroline Street Chapel) Charity Bill, without Amendment.

Amendments to, Broadstairs and St. Peter's Urban District Water Bill [Lords]; Western Valleys (Monmouthshire) Sewerage Board Bill [Lords]; Merthyr Tydfil Stipendiary Justice Bill [Lords]; Selsey Water Bill [Lords]; Midland Railway Bill [Lords]; without Amendment.

PETITIONS.

LAND VALUES (SCOTLAND) BILL.

Petition from Greenock, against; to lie upon the Table.

LICENSING ACTS.

Petitions from Southwark, for alteration of law; to lie upon the Table.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Petitions against: From Aberdeen; Kincardine; and, Banff; to lie upon the Table.

RETURNS, REPORTS, ETC.

DISEASES OF ANIMALS ACTS.

Copy presented, of Report of Proceedings by the Department of Agriculture and Technical Instruction for Ireland, under the Diseases of Animals Acts, for the year 1906 [by Command]; to lie upon the Table.

BOARD OF AGRICULTURE AND FISHERIES.

Copy presented, of Report of the Progress of the Ordnance Survey to the 31st March, 1907 [by Command]; to lie upon the Table.

HISTORICAL MANUSCRIPTS (ROYAL COMMISSION).

Copy presented, of Report on American Manuscripts in the Royal Institution of Great Britain, Vol. III. [by Command]; to lie upon the Table.

HISTORICAL MANUSCRIPTS (ROYAL COMMISSION).

Copy presented, of Reports on the Manuscripts of J. B. Fortescue, esquire, preserved at Dropmore, Vol. VI. [by Command]; to lie upon the Table.

POLLING DISTRICTS (COUNTY OF DURHAM).

Copy presented, of Order made by the the County Council of Durham altering certain polling districts in the Bishop Auckland Parliamentary Division [by Act]; to lie upon the Table.

POSTAL AGREEMENT (PERU).

Copy presented, of Postal Agreement for the exchange of Postal Parcels between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Peru, dated 23rd February, and 3rd May, 1907, [by Command]; to lie upon the Table,

GOVERNMENT LANDS IN BRITISH EAST AFRICA AND UGANDA.

Address for "Return showing, with respect to the Government Lands in British East Africa and Uganda, (1) area sold; (2) sum realised for the same; (3) area leased and average period of lease; (4) rent of the same during each of the five years last passed, distinguishing land sold or leased in the railway strip and at Nairobi from the other Lands leased or sold."—(*Mr. Wedgwood.*)

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Increase of Lough Erne Drainage Rate.

MR. SLOAN (Belfast, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he is aware that the Lough Erne drainage rate has been increased this year by 30 per cent.; and if he can say what is the cause of the increase.

(*Answered by Mr. Birrell.*) Drainage maintenance rates are struck and levied, under the powers given by The Drainage and Improvement of Lands (Ireland) Act, 1863, by the local drainage boards which are elected by the proprietors of lands within the several districts. The rate which may be struck in a particular district does not come within the cognizance or control of the Government. It has, however, been ascertained from the secretary to the Lough and River Erne Drainage and Navigation Board that the rate of the present year amounts to £1,500, which represents a large increase on the rate for last year. This increase was due to the fact that the Board was involved in certain legal proceedings in connection with their rules. If the hon. Member or any ratepayer concerned desires fuller information on the subject, I would suggest that inquiry be made direct from the drainage boards.

Playing of Military Bands at Dublin Exhibition on Sundays.

MR. SLOAN: To ask the Secretary of State for War if he can state under what circumstances and by whose orders are military bands permitted to play on Sundays in the Irish International Exhibition at Dublin.

(*Answered by Mr. Secretary Haldane.*) As the hon. Member was informed, in reply to a similar Question put on 28th June of last year, military bands are permitted to play on Sundays between the hours of 2 p.m. and 9.30 p.m., subject to certain special conditions.

Functions and Constitution of the Board of Trade.

SIR WILLIAM ANSON (Oxford University): To ask the President of the Board of Trade whether the Board of Trade is by statute the Lords of the Committee for the time being of the Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations; whether any such Committee has been appointed since 1786; whether, if so, the last Committee so appointed expired at or within six months of the death of His Majesty King George III.; and, if the Board of Trade as defined by statute has ceased to exist, what is the present position of the President of the Board of Trade.

(*Answered by Mr. Lloyd-George.*) The Board of Trade is, by the Interpretation Act, 1889, and earlier statutes, the Lords of the Committee for the time being of the Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations. The Order in Council of 23rd August, 1786, has not been revoked, and the Committee is treated, in a very learned work known as "Anson's Law and Custom of the Constitution," as still existing.

Sheep Dipping Regulations.

MR. LUTTRELL (Devonshire, Tavistock): To ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, whether he is aware that great inconvenience is caused to farmers by the regulations affecting sheep-dipping, in that they may have to dip their sheep during harvest time, and especially to those farmers who have their sheep on the moor and who, under the present regulations, may have to bring their sheep from a considerable distance in to be dipped and then turned out again, necessitating a second gathering; and whether he can see his way to extending the time during which sheep may be dipped from the end of August to the end of September.

(*Answered by Sir Edward Strachey.*) The period during which the dipping must be carried out was selected, after full consideration, as the one which would entail the least possible inconvenience to all concerned, and we could not extend it without having also to impose restrictions on the movement of sheep, which would cause much greater inconvenience than the present arrangements. If, however, my hon. friend will give me any specific instances of special difficulty I shall be glad to see if it is possible to meet them.

Delay in Erection of Class Room at Waterville.

MR. BOLAND (Kerry, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can state what progress has been made with the erection by the Congested District Boards of an industrial class at Waterville, county Kerry; and whether it will be completed before the coming autumn.

(*Answered by Mr. Birrell.*) The erection of a class room at Waterville has been delayed by the necessity of obtaining the Lord Chancellor's approval to the lease of the premises. The Congested Districts Board anticipate that the building will be completed before the coming winter.

Sale of the Blacker-Douglas Estate.

MR. FLAVIN (Kerry, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state when the arrangements, signed by tenants to purchase their holdings on the Blacker-Douglas estate, were lodged by the landlord with the Estates Commissioners; whether the sale has been sanctioned or completed; and, if not, whether he can state when it will be finished.

(*Answered by Mr. Birrell.*) The purchase agreements relating to this estate were lodged with the Estates Commissioners on the 3rd January, 1906. The case will be dealt with in order of priority, but the Commissioners cannot at present say when the proceedings will be completed.

Removal of Irish Police Station Badges.

MR. SLOAN: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that the emblem of the Crown, always displayed above the doors of police barracks, has been removed from Cullingtree, Brickfield, and Springfield Roads barracks; and if he can say on whose authority they have been removed.

(*Answered by Mr. Birrell.*) The station badges at the barracks mentioned were simply removed to receive their customary annual coat of paint.

The Exchequer and Audit Department Staff.

MR. FIELD (Dublin, St. Patrick): To ask the Secretary to the Treasury whether, having regard to the fact that in the recent reorganisation of the Exchequer and Audit Department the staff of Second Division clerks (comprising at the time about one-half of the whole Department, with twenty subsequent additions as retained Second Division clerks reached eight years service), whose approved service extended between eight and twenty-eight years, were, under special Treasury sanction, promoted to be examiners with Higher Division certificates in the newly-reconstituted Department, and that their attention was particularly directed by their Departmental heads to the circumstance that this reorganisation was designed to increase the efficiency of the Department by removing the hitherto artificial barriers to promotion, he will explain whether it was with the authority of the Comptroller and Auditor-General that recently the Assistant Comptroller and Auditor, and certain of his subordinate chiefs, assured certain probationers who entered under the new scheme of examination that they would be preferred for advancement before their senior and experienced ex-Second Division colleagues; and, if so, seeing the effect of such administration on the public service, will he say why seniority and equality of efficiency are ignored in making promotions in this Department.

(*Answered by Mr. Runciman.*) The hon. Member has been misinformed. No such assurance was ever given.

Supposed Transfer of Local Auditor from Cyprus to London.

MR. FIELD: To ask the Secretary to the Treasury whether it has been decided to transfer a chief examiner of thirty-two years service from the Colonial Audit Branch in London to the local auditorship of Cyprus, in order to bring back to London the present local auditor in Cyprus at his Colonial rate of about £500 per annum; and, if so, seeing that this local auditor has only ten years service and has never passed a Civil Service examination for his position, and that his transfer back to London would mean his passing over the heads of men with three times his service, who obtained their positions through passing Civil Service examinations, will he explain why this step is to be taken.

(*Answered by Mr Runciman.*) I understand that no such step is in contemplation, but that, if it were, the consequences would not be as indicated in the Question.

Audit of Irish Public Accounts.

MR. FIELD: To ask the Secretary to the Treasury whether the dockyard accounts, the Admiralty accounts, the War Office accounts, the English and Scottish education accounts, the Post Office and other accounts are all audited by permanent local staffs at each of the various offices, while the Irish public accounts, with the exception of some slight local tests by a few men extending over only a very short period in Ireland, are all audited in London; and, if so, seeing that this audit of all the Irish public accounts in London means much duplication of work, will he explain why all such audit is not done in Dublin by adopting the same system of permanent local audit and supervision as obtains in the case of Devonport Dockyard and other accounts.

(*Answered by Mr. Runciman.*) This matter has been frequently raised, and I have nothing to add to the Answers previously given.

Inspection of Castings for Battleships.

MR. COURTHOPE (Sussex, Rye): To ask the Secretary to the Admiralty whether the defective casting of the rudder of H.M.S. "Edward VII." was inspected in the rough or after it had been dressed; and whether the Admiralty will give instructions that in future all castings and mouldings must be inspected in the rough.

(*Answered by Mr. Edmund Robertson.*) This, and the four following Questions by the hon. Member relate to proceedings that took place under the preceding Board of Admiralty. I am informed that the rudder was partly inspected in the rough, but before complete inspection was practicable the electric welding was performed. As regards the second Question, such instructions have been given with respect to all similar work.

MR. COURTHOPE: To ask the Secretary to the Admiralty whether the defective casting of the rudder of H.M.S "Edward VII." had, before inspection, been smudged with sal ammoniac, or some other preparation designed to produce a thick coating of rust or otherwise to obliterate the marks of tools or electric carbons; whether the practice of smudging castings before inspection is general; and whether the Admiralty will issue instructions to their inspectors not to pass any casting that has been smudged.

(*Answered by Mr. Edmund Robertson.*) I am informed that the treatment to which the rudder was subjected before inspection was secret, and no information regarding it reached the Admiralty of the day. There was no smudging. The Answer to the second Question is "no." In Answer to the third Question, instructions have been issued which it is believed will make any such improper treatment of a casting impossible.

MR. COURTHOPE: To ask the Secretary to the Admiralty whether the sound test was applied to the defective casting of the rudder of H.M.S. "Edward VII."; if so, whether the fore hammer used in the test was wielded by the inspector or by an employee of the Ayrshire Foundry Company; and whether the Admiralty will issue instructions that in future the sound test shall invariably be applied and that the fore hammer shall be wielded by the inspector himself.

(*Answered by Mr. Edmund Robertson.*) I am informed that the sound test was applied in this case, as it is in all others, according to the standing practice of the Admiralty. The fore hammer was wielded by an employee of the Ayrshire Foundry Company in the presence and hearing of an Admiralty inspector and according to his directions. It is not considered necessary to interfere with the discretion of the inspector as to the use of the fore hammer.

MR. COURTHOPE: To ask the Secretary to the Admiralty whether other castings supplied by the Ayrshire Foundry Company to any of His Majesty's ships now in commission have been recently examined; and whether the Admiralty are satisfied that no defects exist in such castings similar to those discovered in the rudder of H.M.S. "Edward VII."

(*Answered by Mr. Edmund Robertson*): I am informed that all practicable examination of the castings supplied by the Ayrshire Foundry Company was made by order of the late Board of the Admiralty as soon as they received information about the defect in the rudder head of the "King Edward VII." All such castings have stood the test of actual service, and the Admiralty have no reason to suppose that defects similar to those reported in the case of the "King Edward VII." exist.

MR. COURTHOPE: To ask the Secretary to the Admiralty what firms supplied the rudder and other castings for H.M.S. "Argyll"; and whether the Admiralty will institute a thorough examination of the castings built into this vessel.

(*Answered by Mr. Edmund Robertson*): I am informed that the particulars asked for in the first part of the Question could not be supplied without a long investigation of old accounts; and, as to the second, it is impossible without incurring very considerable expense in opening up completed work. All these castings have satisfactorily withstood the stress of actual service.

Loss of British Vessels through Floating Mines.

MR. BELLAIRS (Lynn Regis): To ask the President of the Board of Trade how many British vessels are known to have been lost through floating mines since the beginning of the Russo-Japanese War; what was the latest date at which a loss of a Britsh vessel from this cause is believed to have taken place; and whether there is reason to believe that other neutral and British vessels have been lost through this mode of warfare.

(*Answered by Mr Lloyd-George*): Two British vessels have been reported to the Board of Trade as having been lost through floating mines since the beginning of the Russo-Japanese War, viz., the barque "Lucia," of Shanghai, which was blown up with fifteen of her crew about ten miles south-east of Lantishan Point, China Sea, on the 10th September, 1904, and the steamer "Sobralense," of Hong Kong, which was sunk with eleven crew and ten passengers, eight miles off Port Arthur, on the 12th May, 1905. Two London steamers also were damaged by floating mines, viz. "Kashing," on 25th October, 1904, and "Ningpo," on 6th July, 1906. Nine neutral vessels, of which three were British, have been reported as missing on voyages in the East, but the causes of their loss are of course purely matters of conjecture.

Pay and Conditions of Irish Lighthouse Keepers.

MR. J. MACVEAGH (Down, S.): To ask the President of the Board of Trade whether the Royal Commission on Lighthouse Administration will visit the lighthouses on the Irish coast; and if so, would he recommend that they inquire into the pay and conditions of the lighthouse keepers, and see that women and children are not kept on isolated stations, but have such stations made relieving, so that these families could be educated.

(*Answered by Mr. Lloyd-George*): The Royal Commission was appointed to inquire into the existing system of management of the lights, buoys, and beacons of the United Kingdom by the general lighthouse authorities, and as to the constitution and working of those authorities. I have no control over the proceedings of the Commission, but I understand from them that they have completed the taking of evidence and are engaged on their Report.

Publication of Return on Condition of the People.

MR. ESSEX (Gloucestershire, Cirencester): To ask the President of the Board of Trade when he will be able to issue the Return upon the Condition of the People, etc.

(*Answered by Mr. Lloyd-George.*) The Return will be issued in the course of a few days.

Decrease of Indian Opium Exports—Loss of Revenue.

MR. REES (Montgomery Boroughs.) To ask the Secretary of State for India whether, in view of the recent communication made by His Majesty's Government to the Chinese Government acccepting the proposal to decrease the export of Indian opium to China year by year till it altogether ceases, any indication can be given of the sources from which revenue will be raised in the United Kingdom to recoup Indian revenues for the loss which will be occasioned by the transfer of the opium trade to other hands.

(*Answered by Mr. Secretary Morley.*) It would be premature at the present preliminary stage of the negotiations, which import reciprocal conditions to be observed in China and in India, and have still to take the form of a precise agreement, to forecast their effect on the future revenues of India or the manner of dealing with the question of loss.

Rights of the Jain Community to Parasanath Hill.

MR. REES: To ask the Secretary of State for India whether the Jain community has any right to the whole Parasanath Hill extending to twenty-five miles in length and several miles in breadth, or whether their rights are confined to their temples and temple precincts; and whether he will consider the advisability of limiting such claims within such limits in the interests of other and more numerous religious communions.

(*Answered by Mr Secretary Morley*): I answered a Question on this subject on the 16th July, and at present I have nothing further to add.

Liability of Militiaman when training to support his Wife and Family.

MR. IDRIS (Flint Boroughs): To ask the Secretary of State for War whether his attention has been called to the case of an inhabitant of Flintshire, who was called on the 17th June to attend the annual training of the Militia at Beaumaris, where he must remain until the 1st August, whose wife and three children have become chargeable to the common fund of the Holywell Union; whether he is aware that before leaving home the man was in regular work and able to maintain his family, and that representations have been received from the guardians to the effect that it should not be the duty of the ratepayers to make provision for the families of such persons during the time they are called upon to do service for the country; and whether the Government propose to provide maintenance where necessary for the families of those who are rendering compulsory service.

(*Answered by Mr. Secretary Haldane.*) A letter to the effect stated in the Question has been received from the clerk of Holywell Union, who has been informed in reply that the pay of a Militiaman can be stopped for the support of his wife and children to the extent and under the conditions laid down in Paragraph 145 of the Army Act, the provisions of which apply to Militiamen when out for training.

Deficiency in Establishment of the Regular Army.

MR. ASHLEY (Lancashire, Blackpool): To ask the Secretary of State for War what was the deficiency in establishment of the Regular Army on 1st January for the last fifteen years; and how many men enlisted in each of those years.

(*Answered by Mr. Secretary Haldane.*)

Regimental Strength of the Regular Army compared with the Numbers provided for in Army Estimates (exclusive of Officers).

Date.	Establishment.	Strength.	Plus.	Minus.	Recruits.	
					Year.	Number enlisted.
1st January, 1890 -	206,836	202,680	—	4,156	1899	29,401
,, 1891 -	207,826	202,939	—	4,887	1890	31,407
,, 1892 -	208,164	203,994	—	4,170	1891	36,003
,, 1893 -	208,577	210,141	1,564	—	1892	41,659
,, 1894 -	209,277	211,723	2,446	—	1893	35,195
,, 1895 -	210,985	214,457	3,472	—	1894	33,698
,, 1896 -	211,077	214,438	3,361	—	1895	29,583
,, 1897 -	211,915	213,148	1,233	—	1896	28,532
,, 1898 -	214,257	213,314	—	943	1897	35,015
,, 1899 -	235,928	223,595	—	12,333	1898	40,729
,, 1903 -	268,864	304,847	35,983	—	1899	42,700
,, 1904 -	267,651	272,357	4,706	—	1903	41,011
,, 1905 -	263,147	268,889	5,742	—	1904	40,956
,, 1906 -	268,692	255,256	—	13,436	1905	36,339
,, 1907 -	250,855	244,455	—	6,400	1906	36,151

The numbers given include British troops and Colonial corps serving at home, in India, and the Colonies, but do not include the Indian Army. The period of the South African War has been excluded, as the numbers were then abnormal. Re-enlisted men have not been included with the recruits.

QUESTIONS IN THE HOUSE.

Second Class Royal Naval Reserve.

MR. WEIR (Ross and Cromarty): I beg to ask the Secretary to the Admiralty, in view of the fact that second-class Royal Naval Reserve men enlisted on the understanding that they would be retained in the service until the age of forty-five, will he consider the expediency of relaxing the regulation of 1st April, 1906, under which men of this class are now dismissed on attaining the age of thirty-five.

THE CIVIL LORD OF THE ADMIRALTY (Mr. LAMBERT, Devonshire, South Molton): No Royal Naval Reserve man has ever been enlisted with the right to be retained till the age of forty-five. The Regulation quoted did not provide for the dismissal of Royal Naval Reserve men second-class at the age of thirty-five, but laid down that men who were thirty-five or over on the 1st April, 1906, should complete their current period of enrolment, but not be allowed to re-enrol. Those under thirty-five on that date have been given the opportunity of qualifying for the new Seaman Class by training afloat, and so remaining in the Reserve until they obtain the gratuity given on discharge.

West India Docks Naval Stores—Wages of Storehouse Assistants.

MR. T. F. RICHARDS (Wolverhampton, W.): I beg to ask the Secretary to the Admiralty whether he is aware that men employed at Deptford, in the West India Docks Naval Stores, and who have given every satisfaction by doing skilled work, viz., that of painting, for which they have received 26s. per week, have been informed that those of them who are under thirty-five years of age are to be appointed as storehouse assistants (permanently), and that their wages will be 23s. per week, with 6d. per week increase at the end of two years service; and can he say why this reduction should take place, especially when for the quality and quantity of work done the men are entitled to a substantial increase.

MR. LAMBERT: No order of the kind mentioned has been issued. Two men in receipt of 24s. per week have been selected for service as storehouse assistants, a position in which their prospects will be much improved.

Devonport Dockyard Refuse.

MR. MILDMAY (Devonshire, Totnes): I beg to ask the Secretary to the Admiralty whether he has received recent further complaints with regard to the discharge of refuse from Devonport Dockyard in infringement of the by-law of the Devon Sea Fishery Committee; and whether he can say what steps will be taken to prevent a recurrence of what is being complained of.

MR. LAMBERT: One letter has recently been received alleging that the Devon Sea Fishery by-laws have been infringed. As regards the second part of the Question, the Admiralty are in communication with the Board of Agriculture and Fisheries with reference to a proposal to change the depositing ground.

MR. MILDMAY: What are the limits outside which the discharge must take place?

MR. LAMBERT: I am afraid I am not acquainted with the regulations.

Loss of Destroyer at Malta.

MR. FELL (Great Yarmouth): I beg to ask the Secretary to the Admiralty if he is in a position to give the reason for not replacing the destroyer recently lost at Malta; what is the amount of damage sustained by the destroyer recently towed to Malta; and how long the necessary repairs will occupy.

MR. LAMBERT: As regards the first Question, I have nothing to add to the reply given to the hon. Member's previous Question on the 24th July.† The "Mallard" sustained damage to the port shaft bracket, shaft, stern tubes and propellers, and to frames and plating in the after part of the vessel. I have already stated that these and other repairs will take three months.

Rosyth.

MR. FELL: I beg to ask the Secretary to the Admiralty if he can make a statement before the recess as to the intentions of the Government with regard to

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† See (4) *Debates*, clxxviii., 1570.

Rosyth and the provisioning of a dockyard on the East Coast capable of accommodating the deep-draught battleships now built and building.

MR. LAMBERT: I have nothing to add to the statements which have already been made on this subject, except that detailed plans and estimates are being prepared for consideration.

MR. FELL: Will there not be any Report as to the work done by the seven men who have been working at Rosyth during the last six months?

MAJOR ANSTRUTHER-GRAY (St. Andrews Burghs): Will there be any addition to the seven or eight men now employed?

MR. LAMBERT: I have said I have nothing to add to the replies previously given, except that detailed plans and estimates are being prepared for consideration.

The Home Fleet.

MR. FELL: I beg to ask the Secretary to the Admiralty if the Home Fleet will carry out night manœuvres now the review is over.

MR. LAMBERT: The Commander-in-Chief of the Home Fleet has full authority to exercise that Fleet by day and night as he may consider necessary.

MR. BELLAIRS (Lynn Regis): Will the Home Fleet take part in the Naval manœuvres to be held in the autumn?

MR. LAMBERT: I must ask for notice of that.

Indian Administration.

*SIR CHARLES DILKE (Gloucestershire, Forest of Dean): I beg to ask the Secretary of State for India whether he can inform the House when he expects to be able to announce the terms of reference to the Royal Commission on Indian Decentralisation.

I beg also to ask the Secretary of State for India whether he can make any statement before the prorogation as to the institution of the proposed council of notables, and as to the progress made in the correspondence with Calcutta on reform of the legislative councils.

THE SECRETARY OF STATE FOR INDIA (Mr. MORLEY, Montrose Burghs): I hope to announce the terms of reference to the Royal Commission on Indian Decentralisation in a few days; and to lay Papers regarding the council of notables and kindred subjects before prorogation.

Australian Tariffs on British Imports.

*SIR MAURICE LEVY (Leicestershire, Loughborough): I beg to ask the Under-Secretary of State for the Colonies whether he has received any further communication from the Australian Customs authorities with reference to the alleged unfair treatment of certain British imports, whether the Order complained of, by which duties were levied on certain articles of British manufacture at rates greatly in excess of their value, has now been cancelled; whether under these circumstances the excess duty already paid will be refunded by the Australian Government; and whether any assurance has been given that British manufacturers shall not be subjected to prejudicial treatment in future.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.): No further communication has yet been received from the Commonwealth Government on this subject, but their attention will again be called to it.

*SIR MAURICE LEVY: Has not the right hon. Gentleman received a copy of the note in which the Controller-General of Customs promised that the rebates shall now be made?

MR. CHURCHILL: No, Sir.

*SIR MAURICE LEVY: Well, I have a copy in my possession which I will hand you.

Panama Canal Labour.

MR. STAVELEY-HILL (Staffordshire, Kingswinford): I beg to ask the Under-Secretary of State for the Colonies if labourers drafted to the Panama Canal from Jamaica, Barbados, and other West Indian islands have been recruited on the same terms as those from Trinidad; and what assurances as to repatriation were received by the Government of those islands.

Mr. CHURCHILL: The recruiting of labourers in Jamaica for service in Panama is governed by the Emigrants' Protection Laws of the Colony, which provide *inter alia* for the payment of a deposit by the recruiter to remove all risk of an emigrant having to be repatriated at the cost of the Colony, and make the form of contract subject to the approval of the Governor in Privy Council. So far as the Secretary of State is aware, the canal authorities have not yet come to an agreement with the Colonial Government as to the terms of a contract. In Barbados the Governor has no statutory power to control the general terms of a contract for service in Panama, but the laws of the country provide that every such contract shall contain provision for the repatriation of the labourer at the end of his period of service. The Secretary of State is not aware that any special form of contract for service in Panama has been approved by the Government of any other West Indian Colony except Trinidad; and it must be borne in mind that large numbers of labourers have gone to the isthmus voluntarily and not under contract.

Sir GILBERT PARKER (Gravesend) asked whether the Government would not insist that under any contract made these labourers should be repatriated, especially when it was remembered that Panama was not a proper country for settlement either for white or coloured men.

Mr. CHURCHILL: I think the Colonial Government may be relied on to take every step in their power to protect labourers who leave their shores under contract. If they leave voluntarily, of course that is a different matter.

Mr. FELL asked whether the right hon. Gentleman would make inquiry into the rate of mortality among the labourers, and whether it was not the fact that those who went from Jamaica practically all died.

Mr. CHURCHILL said he had not refreshed his memory on the matter, but he should think that now the construction of the canal was under the direction of the United States Government there must be a great reduction in the rate of mortality.

Lord BALCARRES (Lancashire, Chorley) asked what would be done in regard to those labourers in whose case the contract could not be enforced.

Mr. CHURCHILL: In that respect we have made a communication through the Foreign Office as to the statutory conditions imposed by the United States. The communication was only made about three weeks ago and no answer has yet come to hand. I should think we should have the answer before Parliament rises.

Russia and Great Britain.

Mr. T. F. RICHARDS: I beg to ask the Secretary of State for Foreign Affairs whether he can see his way clear to inform the Russian authorities that, unless better treatment is meted out to the Russian people, this country may deem it necessary to refuse to form any alliance with Russia whatsoever.

The FINANCIAL SECRETARY to the TREASURY (Mr. Runciman, Dewsbury; for Sir Edward Grey): The Answer is in the negative. The internal affairs of Russia, as has been previously explained, cannot be made relevant to negotiations between the two Governments, and the question of an alliance has not been raised.

Liverpool Licences.

Mr. CHARLES ROBERTS (Lincoln): I beg to ask Mr. Chancellor of the Exchequer whether his attention has been directed to two cases heard at the last Liverpool transfer sessions in which the Liverpool justices by a majority decided to sanction the enlargement of two public houses belonging to Messrs. Peter Walker and Co., Limited, on condition that the owners forewent the £1,600 compensation awarded to them on the same justices' award in respect of an extinguished beerhouse licence in another part of the city and in addition paid the tenant of the same £250; and whether he will consider the case of such bargaining in connection with next year's Licensing Bill.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.): My right hon. friend has asked me to answer this Question. I have no information of these particular cases other than that contained in the Question, but I am aware of the difficulties in which licensing justices find themselves in the matter of the conditions under which they may consent to the alteration of licensed premises, and the point is already under consideration in connection with the proposed legislation.

Brooklands Motor Track—Accommodation for Navvies.

MR. J. WARD (Stoke-on-Trent): I beg to ask the President of the Local Government Board whether his attention has been called to the want of suitable house accommodation for the navvies lately employed upon the new motor track at Brooklands; whether he is aware that hundreds of these workmen were obliged to find shelter at night in the open fields and hedges of the locality during the whole of the work, causing great hardship to themselves and inconvenience to the residents of the district; whether he can give the name of the contractors for this work; and what action, if any, he proposes to take to deal with this and similar conditions on the different public works of the country.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. JOHN BURNS, Battersea): My attention has been called to this subject, and I directed one of the medical inspectors of the Board to make inquiry with regard to it. He has now sent in his Report, which will very shortly be published. It appears from it that he was satisfied that, at the date of his visit, many (probably 300 or more) of the men employed were without any proper lodging. I understand that the main contractors for the work were Messrs. Price & Reeves. I have instructed the inspector to make a further inquiry as to the housing accommodation generally of navvies employed on works under construction, so that I may be able to determine what action, if any, should be taken in the matter.

MR. J. WARD: Will the right hon. Gentleman supply Members of the House with the Report of the Committee of Inquiry into the conveniences at Brooklands? Is it intended that the inquiry shall cover most of the public works in England and Wales?

MR. JOHN BURNS: The doctor's Report is an eight-page document on this particular public work. It will be laid shortly. Having taken the whole facts into consideration I have come to the conclusion that as there are 100,000 men, women, and children dependent on public works of this character I will issue a Report with regard to the moral and sanitary conditions under which they work and live in the same way as has been done with regard to hop and fruit pickers in Kent and other parts.

Sub-Post Office Administration.

MR. SOAMES (Norfolk, S.): I beg to ask the Postmaster-General whether his attention has been called to the inconvenience frequently caused to the public by the small stock of postal orders kept at sub-offices in country districts; whether he is aware that a purchaser is frequently obliged to make up the amount that he requires by taking two postal orders instead of one, thus paying double commission; and whether he can see his way to allow a larger stock of postal orders to be kept in such sub-offices in the future.

CAPTAIN NORTON (Newington, W., for Mr. SYDNEY BUXTON): My right hon. friend's attention has not been specially called to this matter, but complaints are occasionally received of the inconvenience occasioned by the stock of postal orders kept at a small office being insufficient to meet the requirements of the public in the neighbourhood, and arrangements are always made to increase the stock, if necessary. In such circumstances, when a purchaser is obliged to take two postal orders instead of one to make up the amount that is required, it is the rule that commission shall be charged not on two orders, but as though the order actually required had been issued. If the hon. Member will furnish my right hon. friend with the particulars of any case in which this practice has not been followed he will have inquiry made in the matter.

Kendal Telephone Charges.

MR. LEIF JONES (Westmoreland, Appleby): I beg to ask the Postmaster-General whether he has approved of the scheme of charges now being enforced by the National Telephone Company in Kendal, whereby all new subscribers are compelled to go on the measured rate; whether this measured rate entails a special charge of 1d. for all calls between local exchanges over junction wires, which have hitherto been free; whether this scale of charges is within the schedule fixed by the agreement of 2nd February, 1905; whether such agreement and schedule are accessible to the public and where a copy can be obtained; if he has approved of this scheme, when was this approval given; and whether he has taken any steps to gauge the opinion of commercial and public bodies other than the National Telephone Company.

CAPTAIN NORTON (for Mr. SYDNEY BUXTON): The rates now being charged to new subscribers by the National Telephone Company are, so far as my right hon. friend is aware, within the limits prescribed by the agreement of 2nd February, 1905, and his consent was, therefore, not necessary for their introduction. They do include charges of 1d. for the use of junction lines between exchanges in different parts of exchange areas. The agreement of 2nd February, 1905, was printed as a Parliamentary Paper in that month, and again with the Report of the Select Committee which considered it.

Oldbury National School Mistress.

MR. J. WARD: I beg to ask the President of the Board of Education whether he has received a petition from the parents and parishioners of Oldbury against the dismissal of Mrs. Hewitt, head mistress of the local national school; whether he can give the grounds for the termination of her engagement; and whether his Department is satisfied that the reasons given justify the action of the managers.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. MCKENNA, Monmouthshire, N.): Yes, Sir, I have received the petition referred to. The teacher's engagement was terminated in accordance with a regulation made by the local education authority, requiring female teachers to resign their appointments on marriage. The Board's jurisdiction is confined to determining whether the marriage of a female teacher does or does not constitute an educational ground for dismissal, and I am bound to hold that it is an educational ground.

Mortomley Catholic School Teachers Salaries.

MR. BOLAND (Kerry, S.): I beg to ask the President of the Board of Education whether he is aware that the local education authority still persists in withholding payment of the salaries of the Mortomley Catholic school teachers; and whether the decision as to the correct interpretation of the inspector's report rests with Mr. Brown, the secretary of the West Riding Education Department, or with the Board of Education.

MR. MCKENNA: I hope this matter will be settled in the course of a few days. I am now in communication with the local education authority. The Answer to the last paragraph is "with the Board of Education."

Bibles for Non-Provided Schools.

MR. LANE-FOX (Yorkshire, W.R., Barkston Ash): I beg to ask the President of the Board of Education if he will state on what grounds the West Riding education authority have ignored the request of the managers of non-provided schools that their schools should be supplied with Bibles, while making no such refusal to similar requests from provided schools.

MR. MCKENNA: I have no information as to this, and it is not a matter in which the Board have any authority to intervene unless a specific case, in which a dispute has arisen between the managers and the local authority, is submitted to them for determination under Section 7 (3) of the Act of 1902.

MR. LANE-FOX: May I ask the right hon. Gentleman if he will inquire whether such a case has arisen, and whether the ground of refusal was that the Bible was a merely denominational book, or whether it is considered a book unnecessary for the education of children?

MR. MCKENNA: I cannot undertake to do anything of the sort. This is a question which may come before me to determine in my judicial capacity under Section 7, Subsection 3, and I must wait till the case is brought before me.

*Mr. CLOUGH (Yorkshire, W.R., Skipton): Do not these schools belong to the reputed richest Church in Christendom, and is that Church too poor to provide Bibles for their day schools and Sunday schools ?

[No Answer was returned.]

East Hardwick School.

Mr. LANE-FOX: I beg to ask the President of the Board of Education whether he is aware that the West Riding education authority has decided to build a new council school in place of the existing Church school at East Hardwick, on the ground that the requirements of the Board of Education have not been carried out; that plans obtained by the managers, embodying the required improvements, have been in the possession of the local education authority since 1905; and that the delay in carrying them out has been due to the refusal of the local education authority to express any opinion upon these plans; and whether, under the circumstances, the Board will favourably reconsider the unanimous appeal of the adult inhabitants of East Hardwick against the provision of such new school.

Mr. McKENNA: Yes, Sir, the managers submitted plans for the improvement of the school, which the local education authority refused to approve. The plans were submitted to the Board of Education, and I was advised that, even if they were carried out, the premises would still be unsatisfactory. I therefore decided that the school which the local authority proposed to provide was necessary and that the recognition of the existing voluntary school shall be terminated as soon as the new council school is opened.

Mr. LANE-FOX: Is it not the fact that the plans have been deliberately withheld ? In view of the fact that this is an extremely small village, will the right hon. Gentleman reconsider his decision ?

Mr. McKENNA: The plans have, as a matter of fact, been submitted to the Board, which has decided that even if the buildings were executed they would remain unsatisfactory, and I have no option, therefore, but to recognise that the new schools are necessary.

The United Arts Club.

Mr. CHARLES ROBERTS (Lincoln): I beg to ask Mr. Attorney-General if his attention has been directed to the case of Challoner *v.* Robinson, decided on 30th July last, in which the plaintiffs were the United Arts Club, an association of painters, who were sub-lessees of certain premises, on which they held an exhibition of pictures, from lessees, to whom the Arts Club had regularly paid all rent due; whether in consequence of the lessees having failed to pay the rent due to the head landlord, Messrs. Robinson and Fisher, of Willis' Auction Rooms, the head landlord, claiming the right to distrain on the property of strangers found on the premises, has distrained upon and proposes to sell all the pictures; whether Mr. Justice Neville, in delivering judgment, said that this constituted an extraordinary state of things, which, monstrous though he held it to be, had hitherto escaped the zeal of the legal reformer; and whether the Attorney-General will bring in a Bill next session to stop this kind of action in future.

The ATTORNEY-GENERAL (Sir John Walton, Leeds, S.): This question involves the consideration of the policy of maintaining the law of distress in its present form. The facts stated in the Question afford an illustration of one of its worst features. I cannot defend all the provisions of the law as it now stands. I am unable, however, to promise to introduce a measure upon the subject next session.

Mr. LEIF JONES: Can nothing be done for these unfortunate painters who, through no fault of their own, had their pictures seized and sold ?

Sir JOHN WALTON: All the remedies the law affords are open to them.

Mr. J. D. WHITE (Dumbartonshire): Does the law afford them any remedy ?

[No Answer was returned.]

House of Commons Kitchen Accounts.

MR. MORTON (Sutherland): I beg to ask the hon. Member for Mid-Derbyshire whether he will present to this House a complete account of the receipts and expenditure of the Kitchen and Refreshment Rooms for the Session.

SIR J. A. JACOBY (Derbyshire, Mid.): The recent Report of the Kitchen Committee was presented in the same form as in previous years. It was a correct account of purchases, sales, and prices, and meals supplied up to date.

MR. MORTON: Will the hon. Member answer my Question? Will he present a complete balance-sheet of receipts and expenditure for the session? I want to know what has become of the balance of £872 12s. 3d. of the subsidy unaccounted for.

SIR J. A. JACOBY: If the hon. Member will do me the honour of taking tea with me in my private room, I shall be pleased to supply the information.

MR. LEA (St. Pancras, E.): The hon. Member for Sutherland is not the only Member interested in this question. Are all the Members to have tea with the Chairman of the Kitchen Committee?

MR. MORTON: May I ask, if I am to meet my hon. friend, whether he will provide something more substantial than tea?

SIR J. A. JACOBY: I may remind my hon. friend that this is a temperance House. I think the hon. Member for St. Pancras is a member of the Kitchen Committee and should himself be in possession of the information asked for.

Loch Shieldaig Fishery Prosecution.

MR. WEIR (Ross and Cromarty): I beg to ask the Secretary for Scotland whether he is aware that two men were recently prosecuted at the instance of the Procurator Fiscal for being in a boat on the sea at Loch Shieldaig, Ross-shire, on the 14th and 21st May, with intent illegally to take or kill salmon, and that, although no fish were found in their possession, each man was fined 30s.; and, seeing that the Honourable Mr. Murray, of Lochcarron, the proprietor of the land *ex adverso* the sea at Loch Shieldaig was the only person interested, will he take such steps as may be necessary to prevent a Crown officer instituting proceedings of this character out of public funds in the sole interest of a private individual.

THE SECRETARY FOR SCOTLAND (Mr. SINCLAIR, Forfarshire): I understand the facts are substantially as stated by my hon. friend. It is in accordance with practice that the Procurator Fiscal should prosecute in cases of this nature, provided the expenses of the prosecution are defrayed by the parties interested. The expenses of the prosecution in question were defrayed by the District Fishery Board.

Small Landholders (Scotland) Bill.

MR. MORTON: I beg to ask the Prime Minister whether he will arrange to allow small landholders in burghs to have the benefit of the Small Landholders (Scotland) Bill in the same way that crofters are allowed the benefit of The Crofters Act, 1886.

MR. SINCLAIR: My right hon. friend has asked me to reply to this. As my hon. friend is aware, the Bill does not interfere with the existing rights to which he refers: the Government do not propose to alter it as he suggests.

Sligo County Council.

MR. BARRIE (Londonderry, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that an unqualified person named Peter Cawley has on many occasions sat and voted as a member of the Sligo County Council; and whether the Local Government Board have taken, or intend to take, any action to prevent this person from repeating such irregular proceedings.

THE ATTORNEY-GENERAL FOR IRELAND (Mr. CHERRY, Liverpool Exchange; for Mr. BIRRELL): The reply to the first part of the question is in the affirmative, and to the second in the negative. The Local Government Board have been advised that the matter is not one in which they should take action. The Sligo County Council have full power to exclude Mr. Cawley from participation in their proceedings, and if they should fail to do so it is open to any ratepayer to take action in the matter.

United Irish League—Boycotting of Mrs. Villiers.

MR. LONSDALE (Armagh, Mid.): On behalf of the hon. Member for South Antrim, I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that the New Inn branch of the United Irish League in Galway addressed a demand to Mrs. Villiers, a lady resident in the neighbourhood, that she should dismiss certain of her servants, including a certain ex-policeman named M'Dermot; that on refusing to do so she was rigorously boycotted; and that as a consequence of this boycott the horse of a man named Riley, which had been lent to her, was smeared with tar and paint on the night of the 25th instant; and, seeing that she is unable to obtain help to work her farm, whether the time has come to put the Crimes Act in force to put an end to the lawlessness which exists in certain parts of the West of Ireland.

MR. CHERRY: I am informed that the local police have no evidence to the effect stated in the first part of the Question. It is the fact that Mrs. Villiers has suffered some inconvenience, but she has not been rigorously boycotted as stated. She has been unable to procure extra labourers for the harvest; but her permanent employees have remained in her service, and she is not boycotted as regards supplies. It is the case that Mr. Riley's horse was daubed with paint on 25th July. As regards the concluding part of the Question, I have nothing to add to the Answer which my right hon. friend has repeatedly given to similar questions.

MR. T. L. CORBETT (Down, N.): What does the right hon. Gentleman mean by "rigorously boycotted."

MR. CHERRY: Well, she has not been refused supplies, and her servants have not left her.

Cattle Driving at Loughrea.

MR. LONSDALE: On behalf of the hon. Member for South Antrim, I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that on the morning of the 29th July a band of persons, numbering upwards of 200, armed with sticks, entered upon the lands of Mr. H. Persse, at Woodville, Loughrea, and, in defiance of the seven police stationed on the lands, drove off Mr. Persse's cattle; whether he is aware that Mr. Persse has asserted that one of the policemen in question informed him that they had instructions not to use arms in attempting to prevent these cattle drives; have the police any such instructions; and have any persons been made amenable to the law in connection with this outrage.

MR. CHERRY: At one o'clock on the morning of 29th July a crowd of about 200 persons attempted to drive the cattle off Mr. Persse's farm. The six policemen who were on duty at once dispersed the crowd, using what force was necessary. Less than one-fourth of the cattle were driven off the farm, and these were at once replaced by the police. The head constable immediately reported the matter to Mr. Persse at his residence, and this gentleman instead of recognising the fact that the police had protected and secured his cattle suggested that the police were no use at all, and asked what good their revolvers were if they did not use them. The head constable replied that the circumstances did not justify the use of firearms, but said nothing about instructions on the subject. The police have not been instructed, either to use or not to use firearms in these particular cases. They have full general instructions, however, as to circumstances in which the use of firearms is justifiable. The question of taking proceedings in this case is under consideration.

MR. T. L. CORBETT: Does the right hon. Gentleman suggest that people placed in the position of Mr. Persse should use arms themselves in accordance with the suggestion of the Chief Secretary?

MR. CHERRY: I made no suggestion whatsoever.

MR. PATRICK O'BRIEN (Kilkenny) asked if the police in Belfast used firearms.

Mr. CHERRY: I do not think they have.

Belfast Policeman's Pension.

Mr. SLOAN (Belfast, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that a few days ago Constable Biggins, of Springfield road barracks, Belfast, was invalided out of the force as the result of an injury sustained on duty, and that he was only granted a pension of £19 a year; and whether, in view of the fact that Biggins had thirteen years' service, that he had an unblemished record, with good educational equipments, but has now been turned adrift practically a cripple and utterly unfit for work involving physical exertion, and in view of his circumstances, he will open this case for re-consideration.

Mr. CHERRY: The facts are substantially as stated in the Question. Constable Biggins was accidentally injured when practising physical drill nearly a year ago, and has since been under almost continuous medical treatment. He has now been retired from the force as being partially incapacitated, and has been awarded the highest pension which the Statute permits, having regard to his length of service, and to the extent of his injuries. I regret that the Government have no power to re-open the case.

Mr. SLOAN asked whether special consideration could not be given to this case, as the man and his wife and family had been practically put out into the streets?

Mr. CHERRY: The highest pension possible under the circumstances has been given him.

Labourers (Ireland) Acts Order, 1906.

Mr. VINCENT KENNEDY (Cavan, W.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware of the Labourers (Ireland) Acts Order, 1906, Rule 6, which directs every rural district council in Ireland to advertise in two or more local papers and post placards throughout their districts within one month from the 1st November, 1906, notifying that representations for the purposes of the Acts may be lodged with their clerk up to the 1st February, 1907; will this course be adopted annually; will he say in how many cases this requirement has been complied with, and give the names of the defaulting councils, if any, and the names of the councils which have not yet considered these representations; and is it intended to publish new rules annually, or is there only to be one scheme under the 6 Edw. 7, c. 37.

Mr. CHERRY: Rule 6 of the Labourers Order is in the terms set forth in the Question. If the hon. Member will refer to Rule 14 he will find it provided that the several representations which may be received during each year ending 30th September shall, if not taken into consideration during such year, be considered by the rural district council at their second meeting after the termination of such year. So far as the Local Government Board are aware, Rule 6 has been complied with in all cases. The replies to the last part of the Question are in the negative. It is, however, open to the Board at any time to revise the rules in such manner as may be deemed necessary. Further schemes can, of course, be made in pursuance of additional representations as contemplated in Rule 14.

Ballingah Medical Officer.

Mr. VINCENT KENNEDY: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he will state why the Local Government Board refuse to sanction the appointment of Dr. Clarke as temporary medical officer for the Ballinagh dispensary district; how near to this district does Dr. Clarke reside; has Dr. Clarke at present any dispensary; who has been in charge of this district for the past three months, and what appointments does he hold, distinguishing those which are temporary from the permanent appointments; and will this matter have his special attention in the interest of the sick poor of the district.

Mr. CHERRY: The appointment of Dr. Clarke as temporary medical officer for the Ballinagh dispensary district was objected to on the ground that his residence was outside the dispensary district, and was inconvenient for the sick poor. The nearest point of the dispensary district is about three miles, and the most remote nine miles, from Cavan, where

Dr. Clarke lives. The Local Government Board have not sanctioned the appointment of Dr. Clarke as the medical officer for any dispensary district. Dr. Clarke has been acting as temporary medical officer for the Ballinagh dispensary district since the 18th June last, but without the sanction of the Board. He has also been appointed as temporary medical officer of the Kilnaleck and Stradone dispensary districts, but the Board have had to object to these appointments upon the same grounds. The guardians, by their action in continuing to employ Dr. Clarke, may render themselves liable to surcharge for any payments they may make for his salary. Dr. Clarke has further been appointed as temporary medical officer of Cavan Workhouse from 7th instant to 4th proximo, and to this appointment the Board have given their sanction.

The Drainage of the Lower Bann.

MR. J. MACVEAGH (Down, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to the fact that the local body charged with the duty is not regularly dredging the precipitation basin of the Lower Bann below the weir at Toomebridge in county Antrim, with the result that the watercourse is partially obstructed and that the floods are higher and last longer than they otherwise would; and whether pressure will be brought to bear on the local body to discharge its duties in this respect.

MR. CHERRY: So far as the information in possession of the Irish Government goes, the weir basin in question is regularly dredged by the trustees of the Lough Neagh drainage district. It was stated last year that during the preceding ten years an average of over £300 per annum had been expended in dredging and the maintenance of the plant. If, however, any person interested is not satisfied that the works of the drainage district are properly maintained, he should address the trustees in the matter, and if still not satisfied, he should apply to the Commissioners of Public Works.

William George Molloy Estate, County Roscommon.

MR. JAMES O'KELLY (Roscommon, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if the estate of William George Molloy at Ballyfermoyle, county Roscommon, has been sold to the tenants; whether an inspection has been made of lands owned by John Molloy; and whether it is intended to provide land for the three evicted tenants from the William George Molloy estate on the lands owned by John Molloy.

MR. CHERRY: No proceedings for the sale of this estate have yet been instituted before the Estates Commissioners. When their inspector was making local inquiries as regards the evicted tenants on the estate he visited the holding which John Molloy occupies as tenant, but the question of acquiring that holding has not been considered by the Commissioners, seeing that the estate is not pending for sale before them.

Slander Action against Greencastle Constable.

MR. MOONEY (Newry): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been called to the result of a recent action for slander against a constable of the Royal Irish Constabulary, stationed at Greencastle; whether the usual course in such cases is to transfer the constable or constables concerned; whether this has been done in this case; and, if not, whether it is proposed to transfer those involved to another district.

MR. CHERRY: In this case a decree or £2 and costs was given against the constable. The Inspector-General informs me that in such a case it is the usual practice to remove the constable concerned to another district; but in this particular case the question of transferring the constable has been held over pending the return to duty of the Commissioner of Police, who has been ill for some time. The Inspector-General's attention has only now been called to the matter, and he is making further inquiries with the object of considering what action may be necessary.

MR. MOONEY: Are we to understand from this reply that the Inspector-General's attention is not directed to these cases unless questions are first asked in this House?

MR. CHERRY: I believe in this case the matter was under the consideration of the authorities before the Question was put, but I would remind the hon. Member that with the present position of affairs in Belfast the time of the Inspector-General is fully occupied. This matter was so trifling that the County Court Judge only awarded £2 damages.

Mayo Scholarship Dispute.

MR. BARRIE: I beg to ask the Vice-President of the Department of Agriculture (Ireland) whether his attention has been directed to the proceedings of a meeting of the Mayo technical instruction committee of the Mayo County Council, held on the 23rd July, 1907, at which it was decided not to give a scholarship, won in open competition by a boy named Dowling, on the ground that the candidate was the son of a district inspector of the Royal Irish Constabulary; is it open to the committee to invite competition and then exclude the successful candidate on such a ground; is part of the money that the committee administers provided out of Imperial funds; and has the Local Government Board any control in the matter.

THE VICE-PRESIDENT OF THE DEPARTMENT OF AGRICULTURE FOR IRELAND (Mr. T. W. RUSSELL, Tyrone, S.): Yes, Sir; my attention has been called to the proceedings in question. The boy Dowling who was refused the scholarship is the son of District Inspector Dowling, of the Royal Irish Constabulary. The money for these scholarships is partly provided by the Department and partly by county funds. The Local Government Board has no authority to intervene. In all cases of dispute the rules provide that the matter shall be referred to the Department, whose decision shall be final. It was undoubtedly the intention of the Department to confine the scholarships to the children of the poorer classes in the community, and competition was therefore confined to those attending the primary schools. Dowling, being the son of an officer of the Royal Irish Constabulary, belongs to a different class, but was within the rules as attending a national school. These rules may be altered and revised, but until this has been done he was clearly eligible, and ought not to be denied renewal of the scholarship won in open competition. The Department will do what is possible to close an unfortunate dispute.

MR. T. L. CORBETT: Will the boy be granted the scholarship?

MR. T. W. RUSSELL: I think the hon. Gentleman ought to be content with what I said. The Department will do its best to close this unfortunate dispute.

MR. T. L. CORBETT: What does the hon. Gentleman mean by closing the dispute? We have a right to know whether a boy eligible for a competition is going to receive the reward.

MR. T. W. RUSSELL: Well, I think that if the question had not been asked it would have been settled before now.

MR. T. L. CORBETT: I will repeat the Question in a few days time.

MR. MURPHY (Kerry, E.): Have not the Mayo Technical Committee made a rule that the holder of a scholarship should be resident in the county?

MR. T. W. RUSSELL: No. The Committee have recommended an alteration in the rule for next year.

MR. JOHN O'CONNOR (Kildare, N.): Will the Department in arranging the rules prevent such an occurrence in the future?

MR. T. W. RUSSELL agreed that the scholarships intended for particular localities should be confined to the residents in the county. That was a matter for the future. They must proceed now according to present rules.

MR. JOHN O'CONNOR: Who makes the rules?

MR. T. W. RUSSELL: The Department.

Removal of a Galway Magistrate from the Commission of the Peace.

MR. LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the evidence given at the last Galway assizes in reference to the charge against Peter J. Kelly of unlawfully encouraging certain persons unknown to kill and murder the Right

Hon. Frederick, Baron Ashtown, has been laid before the Lord Chancellor of Ireland; and whether any decision has been come to with reference to the retention of the name of Peter J. Kelly on the commission of the peace.

MR. CHERRY: The evidence given at the trial referred to was not submitted to the Lord Chancellor in view of the result of that trial. The Lord Chancellor, however, informs me that his attention has been directed to a speech delivered by Mr. Kelly on 21st July, having regard to which the Lord Chancellor has felt it to be his duty to supersede Mr. Kelly in the commission of the peace.

MR. PATRICK O'BRIEN asked whether it was a fact that the Lord Chancellor punished Kelly for a charge on which he was acquitted.

MR. CHERRY: It was in reference to another speech on another occasion that the Lord Chancellor removed him from the commission of the peace.

MR. JOHN O'CONNOR: Is Mr. Kelly to be proceeded against for that other speech?

MR. CHERRY: That is a matter which is under the consideration of the Government.

MR. PATRICK O'BRIEN: Will the right hon. Gentleman get the Lord Chancellor to stay his hand until it is decided whether or not the man shall be tried?

MR. CHERRY: No, Sir; the Lord Chancellor has already acted in the matter. He exercises his discretion as to whom he should leave on the commission of the peace and whom he should remove.

MR. JOHN O'CONNOR: What evidence had the Lord Chancellor that this man made the speech or that it was correctly reported?

MR. CHERRY: An official report of the speech was furnished to the Lord Chancellor.

MR. PATRICK O'BRIEN: Was Mr. Kelly asked for an explanation?

MR. CHERRY: I cannot say.

MR. PATRICK O'BRIEN: Will the right hon. Gentleman inquire?

MR. CHERRY: Yes, Sir.

Adulteration of Calves Food.

MR. HALPIN (Clare, W.): I beg to ask the Vice-President of the Department of Agriculture (Ireland) whether his Department is aware that feeding stuffs for calves are so heavily adulterated that hundreds of these young animals die before they are a month old; whether he will inquire of the Secretary of his Department if he has had crushed linseed, which had been sent to him from Clare on or about the 16th April, analysed; will he state the percentage of organic and mineral matter; what the latter was that was found in the crushed linseed; and will he give instructions to his Department to appoint inspectors in the cities and large towns to take samples of feeding stuffs and forward them to the Department to be analysed.

MR. T. W. RUSSELL: The Department are aware that there are some meals sold in Ireland for calf rearing purposes which are seriously adulterated, and that it has been stated that in many instances calves died from being fed with this deleterious matter. Moreover, some of these adulterated calf meals are sold at many times their actual value. In three test cases, those of the Union Feeding Company of Liverpool selling "Linko" at Enniscorthy, the same company selling "Linko" at Enniskillen, and the National Feeding Company of Cork selling "calf meal" at Cahirciveen, the purchasers, on receiving the Department's analysis and estimate of value, refused payment of price charged, and when prosecuted by vendors were entirely successful and obtained costs. In the "Linko" case, tried at Enniskillen, the vendors obtained a decree in the Lower Court for the full amount claimed. This decision, however, was modified on appeal thus—a decree was given for 7s., the maximum value placed by the Department on the meal for which the company charged 28s., and costs were given against the company; in the third case the company concerned appealed against the adverse judgment of the Lower Court, but when the appeal came on for hearing they withdrew, and costs were awarded to the defendants. In the case mentioned in the Question, a sample of material sold as "crushed flaxseed" for calf rearing purposes was forwarded to the Department from county Clare on 6th April last. This was analysed and found to contain an undue proportion of sand and mineral matter, viz., 5·22 per cent. When this meal was prepared for the calves a sediment was deposited containing 70 per cent. of mineral matter, whereas from pure crushed flaxseed there should be no deposit whatever. In this case the same course of action as in the above cases was open to the buyer. The Department's action in this particular instance was limited under the Fertilisers and Feeding Stuffs Act, 1906, to sending report and leaving purchaser to use his discretion as to obtaining redress under Common Law. The Department, under Section 12 of the Fertilisers and Feeding Stuffs Act, 1906, have appointed samplers for the whole of Ireland. They undertake analyses of materials for instructors working under county schemes, and for farmers in certain cases in which there are reasonable grounds for suspecting that the materials are of inferior quality. Further, they give technical advice in prosecution cases.

Lisburn Union Registrar of Deaths.

Mr. J. MACVEAGH: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the attention of the Registrar-General for Ireland has been called to the fact that since the establishment of the City Fever Hospital in Lisburn Union the duty of registering the deaths in that institution falls to the registrar in Lisburn; whether he has received a resolution passed by the Lisburn Board of Guardians suggesting the appointment of a second assistant-registrar for the Ballylesson district; and whether, under Sections 16 and 23 of the Act for the Registration of Births and Deaths in Ireland, the Registrar-General will constitute the hospital a special district in order to relieve the ratepayers of Lisburn Union from payment for the registration of deaths in an outside institution, or, alternatively, to give effect to the resolution of the guardians.

Mr. CHERRY: The Registrar-General's attention has been called to the fact stated in the first part of the Question. The Registrar-General has received the resolution of the Lisburn Board of Guardians, but is unable to comply with their request, seeing that the statute empowers the employment of one assistant registrar only in each district. The Registrar-General regrets that he cannot accede to the proposal that the hospital should be made a separate registrar's district. It would, he informs me, be entirely without precedent to constitute a public institution, situate in a certain union, into a separate district, to form part of another union.

Winter Dairying in Ireland.

Mr. FLYNN (Cork, N.): I beg to ask the Vice-President of the Department of Agriculture (Ireland) whether his attention has been specially called to the evidence of Messrs. P. Vaughan, J.P., William McDonnell, J.P., chairman of the Limerick Chamber of Commerce, and other witnesses, given before the Committee of Inquiry into the working of the Act of 1899, strongly favouring the establishment of a system of winter dairying in Ireland; is he aware that Sir Horace Plunkett also advocated the adoption of this system as likely to improve the Irish butter trade and to lead to a large increase of tillage; and what steps, if any, the Department propose to take towards the adoption of an agricultural reform in Ireland which has already produced most beneficial results in Denmark.

Mr. T. W. RUSSELL: The Department have noticed the evidence in question, but neither in the majority nor in the minority Report of the Departmental Committee of Inquiry is there any definite suggestion made as to how winter dairying may be increased in Ireland. There is no difference of opinion as to the desirability of encouraging the industry and the authorities in drafting schemes suitable to particular districts. Last year the Department themselves initiated a small experiment of this nature at their Agricultural Station, Clonakilty, and when the experiment has been twelve months in progress—which will be in this autumn—a report will be published of the results. When this report is issued and when the results of the experimental tillage scheme which the Cork County Committee of Agriculture put into operation for the first time this year are available, the Department, in conjunction with the Agricultural Board, will consider the matter further. In the meantime, I have arranged to receive a deputation from the South of Ireland on Monday next, and the whole subject, which the Department recognise to be of the greatest importance, will be considered at a special meeting of the Agricultural Board.

Churchtown (Wexford) Mails.

MR. FFRENCH (Wexford, S.): I beg to ask the Postmaster-General whether his attention has been called to the frequent complaints made about the delay in delivering letters at Churchtown, county Wexford; and what action he proposes to take in the matter.

I beg also to ask the Postmaster-General whether he is aware that letters addressed to Churchtown, county Wexford, from England via Rosslare, are first taken to Waterford, then to Wexford, and thence to Churchtown; and can he arrange to have them delivered direct from Rosslare.

CAPTAIN NORTON (for Mr. SYDNEY BUXTON): I understand that letters for Churchtown, Wexford, have occasionally been delayed owing to their having been sent in error to a place of the same name in the delivery of Waterford. Suitable notice is always taken of errors of this nature when they are due to carelessness. Letters from England for Churchtown, Wexford, forwarded via Rosslare are sent not to Waterford, but to Wexford. It appears that the night mail via Rosslare at present arrives at Wexford too late to connect with the mail cart to Churchtown; but my right hon. friend is inquiring whether it is possible to improve the arrangements in this respect.

London Parliamentary Registers.

MR. SOAMES: I beg to ask the Prime Minister whether he is aware that there are some 200,000 men in London who are kept off the register of Parliamentary electors by changing their residences; and whether he will consider the advisability of remedying this state of affairs by bringing in next session a Bill to place Londoners in the same position as residents in other large towns by enabling them to claim for successive occupation from any one division of London to any other.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): I am aware of the special electoral disabilities which attach to the London voter, and my hon. friend may be assured that they will be considered by the Government when the reform of electoral anomalies and defects is undertaken. When that may be, however, I am not, at present, in a position to say.

Closure Return.

SIR A. ACLAND-HOOD (Somersetshire, Wellington): On behalf of the senior Member for the City of London, I beg to ask the Prime Minister whether he will lay upon the Table of the House a Return giving the number of occasions since 1887 on which closure by compartments has been carried, the names of the Bills to which it has been applied, the number of days (if any) devoted to each on the Committee stage before closure by compartments was put into operation, the total number of days (if any) devoted to each in Committee of the Whole House, and the number of days allocated to each on the Report stage?

SIR H. CAMPBELL-BANNERMAN: There will be no objection to giving this Return.

Carrying Bills Over.

SIR WILLIAM HOLLAND (Yorkshire, W.R., Rotherham): I beg to ask the Prime Minister whether the Government, in view of the number of incomplete Bills which have to be dropped at the close of each session, will consider the propriety of carrying forward to the succeeding session of the same Parliament such as have reached an advanced stage?

MR. SMEATON (Stirlingshire) asked the Prime Minister whether, having regard to the number of incomplete stages of Bills which the Government meant to pass, and the pressure brought to bear upon Members not to discuss Bills, he would consider the expediency of passing a general guillotine Resolution to the effect that on 12th August next all Government Bills which had passed

Second Reading should be passed through their various stages——

* MR. SPEAKER ; Order, order ! The hon. Member must give notice of that.

SIR H CAMPBELL-BANNERMAN : I do not think that the number of such Bills is great this session, and therefore the question hardly arises at the moment.

The Belfast Dispute.

MR. CURRAN (Durham, Jarrow) asked Mr. Speaker whether he would be in order in putting a Question of which he had given the Secretary for War private notice concerning the Belfast strike, in the absence of the Minister to whom the Question was addressed.

* MR. SPEAKER replied that the hon. Member could put his Question if he wished, but he was afraid he would not get any answer if there was no Minister responsible present who could answer it.

MR. CURRAN, suggesting that perhaps the Prime Minister would answer, asked whether the Secretary of State for War was aware that a large number of military troops had been turned to parade the streets of Belfast that morning and that the men had each been supplied with twenty rounds of ball cartridge ; whether he would use his influence to have these soldiers withdrawn, as they only irritated the strikers and tended to render abortive all efforts to end the dispute.

SIR H. CAMPBELL-BANNERMAN said he had not received any communication with regard to the information the hon. Member had just given the House, and apparently it had not been received by his right hon. friend the War Minister, or he would no doubt have been in his place to reply. In the right hon. Gentleman's absence he knew of no Minister who could answer the Question.

MR. CURRAN : Am I then to understand from the Prime Minister that there is no responsible Minister present prepared to deal with this Question ? It is a most serious matter.

SIR H. CAMPBELL-BANNERMAN : As I understand it, the circumstances only occurred this morning ; and I have had no knowledge of it at all, therefore I can hardly be expected to give an answer to the hon. Member's Question. Personally, I have no knowledge of it whatever.

MR. T. F. RICHARDS : If the Prime Minister cannot see his way to induce the Government to withdraw the troops, will he use his influence with the Secretary for War to get him to withdraw the ball cartridges ?

[No Answer was returned.]

A PERSONAL EXPLANATION.

MR. BELLAIRS (King's Lynn) asked the indulgence of the House while he made a personal explanation with reference to an incident which occurred at Question time on 29th July.† On that date he asked the Secretary to the Admiralty whether it was the established practice of the Navy to hold a public court-martial on every officer who lost or surrendered his ship ; and, if so, why this rule had not been enforced in the case of his Majesty's ship "Ariel," which was lost on Malta Breakwater on 19th April. His motive in asking the Question had absolutely nothing to do with the officer in command of the "Ariel" ; the Question was based on broad grounds of administrative policy. It was, he submitted, a perfectly legitimate Question, and one asked in the highest interests of the Navy, with no sort of *arrière pensée*. The hon. Member for Kirkcaldy Burghs, in a supplementary Question, described the Question as ungenerous, and proceeded to insinuate that at one time five years ago he (Mr. Bellairs) had been in a similar position and liable to court-martial. To that statement he gave an unqualified denial. The Secretary of the Admiralty asked for notice of the Question of the hon. Member for Kirkcaldy, and having waited twenty-four hours for such a Question to be put down, he wrote to the hon. Member the following letter setting out the incident as reported in *Hansard*, which was word for word identical with *The Times* report, and asking for the name of the hon. Member's informant—

"30th July, 1907.

"Dear SIR,

"On Monday, 29th July, I asked a question in the House as to whether it was the established practice of the Navy to hold a public court-martial on every officer who lost or surrendered his ship; and if so, I proceeded to ask why the rule had not been enforced in the case of H.M.S. "Ariel," lost on Malta Breakwater, on 19th April. It was a perfectly legitimate Question and one asked in the highest interests of the Navy, with no sort of *arrière pensée*. I believe that public trial is better than a secret court of inquiry, but the foundation of my question lay in a deep-rooted love for the traditions of a service which Gladstone once described as 'the noblest profession in the world.' It is one of the glories of the Navy that under any circumstances in which an officer loses the ship confided to his charge, be the odds even or a thousand to one against him, he faces a trial by court-martial. The fact of the rule being invariable, as I believe it to have been, prevents any suspicion of disgrace attaching to being brought to trial, and it absolutely shuts the door on favouritism. Had you given me the slightest notice of your intended supplementary Question I might have explained these matters to you, and so prevented the House being troubled with the following unedifying personal wrangle.

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† See (4) *Debates*, clxxix., 461.

"'Mr. DALZIEL asked whether the procedure differed from that which was followed five years ago in the case of the hon. Member who put this somewhat ungenerous Question.

"'Mr. BELLAIRS asked whether it was ungenerous to ask such a Question when, where a court-martial was held, the sword of an officer was returned to him with honour where there was no fault on his part. That was the reason why he put the Question.

"'Mr. DALZIEL: May I ask for an Answer to my Question?

"'Mr. EDMUND ROBERTSON requested the hon. Member to put down notice of his Question.

"'Mr. BELLAIRS asked what was the insinuation which the hon. Member desired to make against him.

"'Mr. DALZIEL: The only explanation I desire to make——'

"MR. SPEAKER stopped further remark by ruling that these interventions were irregular.

"As no notice of a Question has been placed on the Order Paper, you appear to be content to let the matter rest there, having succeeded in insinuating that some incident in my career rendered me liable to a court-martial five years ago for the loss of my ship. I now ask for particulars, and when I have shown you that the story is untrue, I feel sure that you will see that the proper course to be followed is to give me the name of your informant who appears for his own reasons to have selected this date of five years ago as being the one which coincided with my retirement from the Navy. I am sure you would not have made this charge unless you believed yourself to be in full possession of the facts, and you will therefore have no difficulty in complying with my natural desire for an immediate reply.

"Yours faithfully,

"CARLYON BELLAIRS.

"James H. Dalziel, Esq., M.P."

On the preceding day he (Mr. Bellairs) received the following letter:—

"The Reform Club,
"3rd August, 1907.

"Dear SIR,

"I am in receipt of your favour of the 30th, which unfortunately—through no fault of yours—was forwarded to my country address, and consequently reached me later than would otherwise have been the case.

"I have some difficulty in ascertaining from your letter what you really wish me to reply to. I thought the Question you put in the House—to which you allude—an exceedingly ungenerous one, more especially having been addressed by one who at one time held a commission in His Majesty's Navy. I still think so.

"The supplementary Question I asked sought to obtain information as to whether the procedure of which you complained had not been similar to that followed in reference to an incident—the full particulars of which you are, of course, fully cognisant—in which your own conduct was the subject of inquiry.

"The Secretary to the Admiralty was unable without notice being given to provide me with the information. Perhaps you will do so.

"Awaiting the favour of a reply.

"I am,
"Yours faithfully,
(Signed) J. H. DALZIEL.

"Carlyon Bellairs, Esq., M.P."

To this he replied:—

"August 6th, 1907.

"Dear SIR,

"I received your letter this morning. You repeat, but do not explain why, it is 'exceedingly ungenerous' to ask a question as to the reasons for the Admiralty departing from the accepted practice of holding a public court-martial when a ship is lost. The fact that I have been a naval officer is the very reason why I should ask the Question, and I am not disposed to defer to you on a matter of taste. In answer to my request for particulars about the untrue statement you made that I was in a similar position and liable to a court-martial five years ago, or in 1902, when I retired from the Navy, you have the assurance to ask me for information about an event which never occurred. The suggestion that I was under a cloud in 1902 is unworthy. So far from having anything to be ashamed of in leaving the Navy, your course compels me now to state that I received letters from the Admiralty in 1902 expressing great regret that I should feel that the state of my eyesight necessitated leaving the Navy. Lord Selborne personally sent for me and expressed his regret, and the Board spontaneously wrote stating that their desire was to give me special promotion on retirement, but that the age regulations precluded them from doing so until I reached a certain age.

"Finally, let me state that I have never rendered myself liable to a court-martial; I have never on any occasion lost a ship or been in a ship which was lost, and my 'conduct' has never been the subject of an inquiry.

"Yours faithfully,
"CARLYON BELLAIRS.

"J. H Dalziel, Esq., M.P."

The final letter which passed was as follows—

"August 7th, 1907.

"Carlyon Bellairs, Esq., M.P."

"House of Commons.

"Dear SIR,

"I have received your letter of the 6th, and also an accompanying letter in which you state your intention of making a personal explanation on the subject in the House of Commons.

"Had you awaited my reply to yours of yesterday's date, you probably would not have considered it necessary to trouble the House in the matter, but as you have thought fit to decide on this course without awaiting my further reply, it only remains for me to state that I shall be in my place in the House at the time you mention.

"Yours faithfully,
"J. H. DALZIEL."

He had informed the House that he asked the Question on broad grounds of administrative policy. Article 91 of the Naval Discipline Act, under which the Admiralty acted, laid down that if a vessel is lost she shall be deemed to remain in commission until a court-martial shall have been held, pursuant to the custom of the service. That Article was conclusive that he was right in asking his Question, because it amounted to this, that the Admiralty were not complying with the Articles of War. He thought the hon. Member for Kirkcaldy Burghs was wrong in importing prejudice into the case by insinuating that he (Mr. Bellairs) was personally interested, and had rendered himself liable to court-martial in a precisely similar way.

MR. DALZIEL (Kirkcaldy Burghs) said he would only take up the time of the House a few minutes in explaining the circumstances in which he asked the supplementary Question. Between the time the hon. Member's Question appeared on the Paper and the time when it was asked it had been represented to him by friends who knew all the circumstances of the case that it was an exceedingly ungenerous and exceedingly cruel action on the part of the hon. Member, having been a naval officer himself, to reopen an incident which had been closed some months back, and to suggest that some more severe punishment should be inflicted on the offender.

MR. BELLAIRS: May I contradict that statement? The contrary is the case. The court-martial might have given a less punishment, and it was, besides, a public and not a secret body.

MR. DALZIEL said he would, of course, accept the interruption of the hon. Member. But in any case the incident had been closed, and the person affected, having accepted the decision, had a right to believe that the whole matter was at an end. To the lay mind, however, the fact that the hon. Member suggested that a court-martial should have been held was in his view equivalent to the suggestion that the punishment was not so severe as it might have been. While an officer against whom a charge was made had a right to demand a court-martial he entirely demurred to the suggestion that this was the invariable course adopted with regard to a lost ship, and he could give instances in which no court-martial had been held. As to the supplementary Question he was not responsible for the interpretations put by the hon. Member. He entered the House at the moment that the hon. Member was putting his Question, and he had in his mind the representations which had been made to him. His supplementary Question was whether the procedure followed in this case was not the same as that followed in the case in which the hon. Member was concerned some years ago. Two newspapers said "five years," which was not correct; and if the hon. Member construed his suggestion as meaning that there was a cloud over him and that he retired from the Navy on that account, he willingly withdrew such a suggestion. Such a thought never entered his mind, for he did not know how long it was since the hon. Member retired from the Navy. He maintained, however, that he was justified in asking the Question, and he demurred to the statement of the hon.

Member denying his justification. He accepted the responsibility of stating now as a Member of the House that the hon. Member was himself concerned in a case in which the procedure was exactly the same as that followed in the case under discussion, and that the hon. Member was liable to a court-martial if the commander had ordered it. He asserted that the conduct of the hon. Member had been the subject of inquiry. On August 9th, 1895, torpedo boat No. 80, of which the hon. Member was in charge, came into collision with torpedo boat No. 72. A court of inquiry was held, and it found that the organisation of the torpedo boat was inefficient in respect of navigation, and Rear-Admiral Sir Arthur Wilson said that the collision was due to the faulty arrangements of Lieutenant and Commander Bellairs for the command of his boat. The Admiralty officials concurred in the view here expressed. He maintained that this finding amounted to censure on the hon. Member, and as such he still thought that it stood against him to-day.

MR. BELLAIRS observed that the incident referred to occurred twelve years ago, but the inquiry held was not into his conduct. Such inquiries as these were held almost from day to day, and there was scarcely an officer in the service who had not undergone the ordeal of such an inquiry. The order that led to the collision had not been given by him, and he was not present when it was given. The order was given by a sub-lieutenant through the voice tube, and he took the responsibility of it in order to prevent the promotion of the sub-lieutenant from being interfered with. He had given strict injunctions that the voice tube was never to be used to communicate with the helmsman, owing to the fact that it might lead to an accident, but the sub-lieutenant on that occasion neglected his order. At the time he thought it right to take the whole of the blame upon himself, and he willingly did so. There was no inquiry into his conduct, but only into the cause of the collision. This accident in no way resembled in the slightest degree the subject of the Question he had put on the Paper.

NEW MEMBER SWORN.

Albert Stanley, esquire, for the county of Stafford (North-Western Division).

POLICE AND SANITARY COMMITTEE.

Special Report brought up, and read; to lie upon the Table, and to be printed. [No. 290.]

SMALL LANDHOLDERS (SCOTLAND) BILL.

As amended (by the Standing Committee), further considered.

MR. LAMBTON (Durham, S.E.) moved to substitute the Agricultural Commissioners for the Land Court as the authority to which applications should be made for registration as a new holder by agreement with the landlord. He said the object of the Amendment was to provide that when the landlord had agreed with any other person in respect to any land to be constituted a new holding, such person might apply to the Agricultural Commissioners to be registered as the new holder. The constitution of the Land Court and the constitution of the Agricultural Commissioners had never been discussed by the House at all. When one of the financial clauses was under discussion the right hon. Gentleman in charge of the Bill moved that the salary of the members of the Land Court should be increased from £1,000 to £1,200. That increase might be necessary, but the fact that these large sums were to be voted out of the Imperial Exchequer showed that the English members of the Standing Committee were justified in taking great interest in the Bill. It was generally acknowledged that the Land Court was the most arbitrary and autocratic body ever established in any civilised country, and that it was one to which there was no parallel outside of Russia or Morocco. It consisted of five members who were to have control of the Scottish land question, and he believed they were to have control of the Agricultural Commissioners. He was not sure what the constitution of the Agricultural Commissioners was to be. The right hon. Gentleman the Member for South Dublin pointed out yesterday that they were going to perform in

Scotland the duties which were performed by the Board of Agriculture in England. Very wide powers had been entrusted to the Board of Agriculture in England for the coercion of county councils, whereas the Agricultural Commissioners, who would take the place of that body in Scotland, would be entirely under the Land Court. They might even be under the control of one member of the Court, for there was a provision in the Bill which enabled the members of the Land Court to delegate their powers to one of their number. This procedure to which the Amendment referred was utterly inconsistent with the other provisions in the Bill. The application referred to in Clause 7 as to registration was to be made to the Land Court, but he held that it ought to be made to the Agricultural Commissioners as in the case of other applications referred to in other parts of the Bill. It might be argued that in this case there had to be agreement between the landlord and the small holder before the application for registration could be made. Clause 7 contained eighteen subsections, and it was, therefore, extremely difficult to understand it. The Bill was one of the worst examples of legislation by reference, and so numerous were the references to the Crofters Acts and other Statutes that it was almost unintelligible to ordinary members. The "Agricultural Commissioners" were referred to in subsection (13) of this clause, and in Clauses 15, 16, and 17 as the body to whom applications were to be made in regard to the matters dealt with by those clauses. He wished to know why in the instance to which the Amendment referred the applications were to be made direct to the Land Court. Perhaps the Bill had been hastily drafted, but he thought they could hardly expect it to be a very good Bill when it was remembered that it was one of four land Bills which the Government had brought forward in one session of Parliament. That was a most difficult team for anybody to drive, and he was not at all surprised that there were some discrepancies and many unintelligible portions of the Bill. It appeared to him to be absolutely necessary that the words "Land Court" should be left out of the first subsection of Clause 7 and that the words "Agricultural Commissioners" should be substituted. He begged to move.

MR. ABEL SMITH (Hertfordshire, Hertford) said that in seconding the Amendment he would like to call the attention of hon. Members who had not the advantage of being members of the Scottish Committee, to the extraordinary character of this clause of which they were about to undertake the discussion. It contained eighteen subsections, and when one came to wade through them all, one must get into a fog.

MR. McCRAE (Edinburgh, E): No.

MR. ABEL SMITH said that the hon. and gallant Member had more than average intelligence; but it would take from two to three months for any man of ordinary intelligence to understand the Bill. The eighth subsection, which dealt with the functions of the Land Court and the Agricultural Commissioners, was rather confusing; and he ventured to think that the Amendment proposed by the hon. Member for Durham would go one step towards elucidating the mystery. If there was to be a Land Court at all and also a new body of Agricultural Commissioners, the establishment and constitution of which had been passed the previous night in silence, their respective functions should be clearly defined and clearly separated the one from the other. The duty laid on the Land Court by the first subsection ought to be explained in the most lucid way to the House, and so also should the duty to be laid on the Agricultural Commissioners. Fair rents were to be fixed by the Land Court. No doubt that was a judicial function, but the function described in the subsection was an administrative function, and the words "Agricultural Commissioners" ought to be substituted for the words "Land Courts."

Amendment proposed to the Bill—

"In page 6, line 35, to leave out the words, 'Land Court,' and insert the words 'Agricultural Commissioners.'"—(*Mr. Lambton.*)

Question proposed, "That the words 'Land Court' stand part of the Bill."

THE SECRETARY FOR SCOTLAND (Mr. SINCLAIR, Forfarshire) said that one would imagine that there was some hidden result or purpose in the clause which he had not hitherto perceived or appreciated. He was sorry that he could not accept the substitution of "Land Commissioners" for "Land Court." The Land Court was the authority to whom was committed the keeping of the register of the new holders, and the machinery for that was based on previous Acts. That was a natural arrangement, and the Land Court should therefore be responsible for the register. He did not think that hon. Members opposite quite appreciated that the application to be registered was only to be made, in the first place, after an agreement had been arrived at between the landlord and the new land holder. The Agricultural Commissioners were the practical executive authority which was to supervise and contribute to the creation of the new holdings. The first subsection had nothing whatever to do with that or with the operations of the Agricultural Commissioners. The first subsection said that if the landlord and any other person agreed in respect of any land "such person may apply to the Land Court to be registered as a new holder under this Act, and such person may thereupon apply accordingly, and subject to the provisions of this Act may be so registered." The register was to be kept in the Land Court's keeping.

MR. LAMBTON: What about the words in Subsection (13), "otherwise than by agreement"?

MR. SINCLAIR said that that did not apply in this case. If the hon. Member looked back at Sub-section (10) he would see that the Land Court determined in respect of what land holdings for new holders might be constituted, and up to what date the power to constitute them otherwise than by agreement might be exercised. That was a perfectly simple proposition.

MR. WALTER LONG (Dublin, S.) said that the Secretary for Scotland had told them that this subsection referred only to cases of voluntary agreement, and that the Land Court had no functions to perform except to keep a record of the individuals who applied for new holdings. But at the end of the subsection occurred the phrase "may be so registered." With whom was that discretion left?

MR. SINCLAIR: With the Land Court.

MR. WALTER LONG: Exactly. If any person agreed with the landlord in respect to certain land such person might apply to the Land Court to be registered a new holder, and subject to the provisions of the Act might be so registered. The discretion rested with the Land Court. He agreed with the hon. Member for Hertfordshire that it was no exaggeration to say that however carefully one might examine this Bill it was impossible, unless one were endowed with supernatural powers, and every virtue and the superior intelligence of the hon. and gallant Member for East Edinburgh, to separate the functions of those two august bodies—the Land Court and the Agricultural Commission. His hon. friend had counted the number of times that those two bodies were mentioned in the clause, and found that it was over twenty. He supposed that the Land Court was to keep the register of small holders, but why should not the Agricultural Commission also keep such a book? He was sure that he and his friends would vote for the cost of the supply of another book. The Secretary for Scotland seemed to think that nobody was to be considered in this matter except the landlord and the tenant, and that was the reason why the right hon. Gentleman got so confused on the points raised by the Opposition. But the general taxpayers of the country, who must meet the expense of the experiments to be made under this measure ought also to be considered. The Land Court was charged with the duty of seeing whether the applicants for registration had fulfilled the necessary conditions. They knew that the entry on the register was only the first step in the transaction.

MR. SINCLAIR said that a new holder would not be duly qualified for registration otherwise than by agreement who did not satisfy the Agricultural Commissioners as to his ability to fulfil the obligations incumbent upon him.

MR. WALTER LONG asked if he was to understand that a man would not be eligible to avail himself of the provisions of the Act until his name was registered.

MR. SINCLAIR said that supposing a landlord created a small holding on his estate there was no obligation on him to call upon the tenant to register his name. But if at any moment the landlord and tenant agreed that it would be to their mutual interest that the holding should in future be a holding under this Act, then there would be power to agree that the holding should be registered. The small holders of another character must first be registered. If the right hon. Gentleman's quarrel was with the Land Court the Government could not agree with him. If his quarrel was with the power of registration which was given to the Agricultural Commissioners it was a different matter.

MR. WALTER LONG said he could not allow the right hon. Gentleman to deal with his argument by way of reply before he had completed it.

MR. SINCLAIR said he was simply explaining that if the right hon. Gentleman's quarrel was with the Land Court and if he wished to get that out of the Bill they could not agree with him, but if he wished that the registration should go to the Agricultural Commissioners that was a different matter.

MR. WALTER LONG was obliged for the interruption, but he did not think the right hon. Gentleman was throwing any new light on the question before the House. The duties cast upon the Land Court were not of the mere perfunctory character which was represented. The application of this Bill would be in regard to the privileges conferred on the new holders under this measure, and nothing that the right hon. Gentleman had said had shaken his argument. They must be thankful for small mercies when they were told, under a Radical Government, that the landlord was to be enabled to set up small holdings. He did not know how long that privilege would last; he supposed until the next Land Bill was brought in. Meanwhile it was thought that this Bill would produce such a glamour over the land that these two people who had hitherto got on very well together would suddenly discover that they wanted to go into this Court. That he did not think was likely. The right hon. Gentleman had said that the landlord and tenant had only to agree and the Land Court would do the rest; but that was not the case at all. Let them take the case of a man who had been indebted to his landlord for his improvements, he would come in under the Bill. It was quite obvious, unless they were absolutely mistaken in the view which they took of the effect of the preceding clause, that this was not a mere trivial matter. The argument of his hon. friend was that the Land Court ought not to be called in, and he could not conceive anything more reasonable than his proposal that this task should fall upon the Agricultural Commissioners. But the right hon. Gentleman said it must be the Land Court. He could not accept that proposition. If it were merely a matter of entering a man's name in a book there would be no justification for pressing the Amendment. But that was not the case and the right hon. Gentleman had not shown that it was so. They, on the contrary, said that this power of setting up the new holder ought to be exercised by the Agricultural Commissioners and not by the Land Court. The Government were making a large experiment which could only be successful at the cost of a large sum of money, a considerable portion of which would come out of the pockets of the taxpayers of England. For these reasons he supported the Amendment of his hon. friend.

MR. MUNRO FERGUSON (Leith Burghs) thought that the Agricultural Commissioners were likely to be more capable persons to deal with this matter than the Land Court. Under last year's Bill questions of this sort would have gone before the Agricultural Commissioners, but the Government were now setting up a Land Court to deal with such matters. The Land Court was an importation into the Bill, and an innovation. It was indeed the chief evil in the measure, and he supported the proposal to substitute the Agricultural Commissioners. He was afraid that the greater number of the new holdings would not be registered under this clause, because the proprietor would lose his control over the money which he had paid for equipment under the Crofters Act of 1886. Registration was either a serious matter or it was not. If it was a mere matter of form it would not be largely indulged in, but if it was a condition precedent to the granting of loans by the State it was a different matter. The question, as he understood, had to come before the Agricultural Commissioners in the first place, and then before the Land Court. This would mean double work between the two authorities. It was somewhat like a Chinese puzzle, and if one bit was taken out of it it failed. These details were not necessary last year, and were not necessary now. They had not been told either in Committee upstairs or in the House why they were necessary. They had never heard the reason why the Land Court was pitchforked into the Bill.

*MR. SPEAKER said the hon. Member must only discuss the clause and not the general merits of the Bill.

MR. MUNRO FERGUSON argued that it was not necessary to have a fresh organisation but supposed they would be told that the mind of Scotland was behind this Bill. He had, however, not heard a single expression of opinion in its favour.

SIR F. BANBURY (City of London) thought that the discussion showed that the Opposition did not intend to destroy the Bill, but rather wished to facilitate its progress. If the landlord and tenant met together at the registrars and a book was produced in which the transaction was entered there would be an end of the matter. What would take place would be that both the landowner and the landholder would make application to the Land Court to be registered. A form would then be sent to each of them to fill up. It would be filled up and returned, and the Land Court would then have to refer the matter to the Agricultural Commissioners, who would have to send down and investgate the claim of both the landowner and the landholder to be registered. The Agricultural Commissioners would then report back to the Land Court and recommend registration. If the Amendment were accepted all that process would be avoided. They would apply at once to the Agricultural Commissioners who would at once investigate the circumstances of the case and report to the Land Court that an application had been made to register as a small holding a certain holding, and that after investigation they recommended its registration. The Land Court would then write to the landowner and the landholder and notify them that the holding had been registered in their book as a small holding on such a day. Was not the proposal of his hon. friend more calculated to encourage the formation of small holdings by agreement than the round-about method favoured by the right hon. Gentleman? He did not think many people would avail themselves of the provisions of this clause, but he was quite sure that the simpler the clause was made the more would people avail themselves of the privilege. For these reasons he supported the Amendment of his hon. friend.

MR. A. J. BALFOUR (City of London) said he had had occasion before to explain to the House that one of the objections that attached to the discussion of a Bill under closure by compartments was that the Government felt themselves absolved from giving any answer to the arguments adduced or even from taking the trouble to give a correct account of the Bill nominally in their charge. Everybody, even its authors, must approach Clause 7 with singular misgiving. Never in his experience had he seen a clause extending over two and a half pages of a Bill which brought into action so many different bodies. Most Governments in the past had endeavoured to bring in every separate Department in a separate clause, but when they read this bewildering piece of legislation they found the Land Court figuring in the first section, the Commissioner for small holdings in the third, and the Agricultural Commissioners in the sixth. And these three parties pursued their mazy dance through the remaining of the eighteen sub-sections of the clause in such a manner that even the strongest head might be made to feel confused by their evolutions. What was the defence of the Secretary for Scotland for putting in these Agricultural Commissioners—a new body which they had never been allowed to discuss either in the House or the Committee, though it figured so largely in this measure? The right hon. Gentleman had given two reasons, and both were founded on a misconception of fact with regard to his own measure. The right hon. Gentleman had told the House in the first place that Sub-section (1) dealt solely with existing holdings.

MR. SINCLAIR: I beg the right hon. Gentleman's pardon.

MR. A. J. BALFOUR said his right hon. friend beside him had reminded him that the words used by the right hon. Gentleman were "holdings already in existence." The sub-section dealt with nothing of the sort.

MR. SINCLAIR pointed out that this subsection dealt with new holdings. But new holdings were of two classes. There might be holdings brought into existence after the passing of this Act, which had existed as fully equipped holdings previously and been afterwards brought under the operation of the Act. The other class of new holdings would be holdings actually created under the provisions of this Act.

MR. A. J. BALFOUR said he wished the right hon. Gentleman would remember that this was a Scottish and not an Irish Bill, and that when in connection with it they were speaking of new holdings they did not mean old holdings. Everybody but the draughtsman of the right hon. Gentleman would call a holding already in existence an old holding. The Government were not content with new legislation, but had to have a new terminology. If the House would look at the marginal note of this clause they would see that it said, "powers to facilitate the constitution of new holdings," and how a clause so described could be said by the authors of the Bill to be a clause for dealing with existing holdings passed his comprehension. So much for the right hon. Gentleman's first argument. His second argument was almost more unfortunate. It was that the persons to register the holdings, because the people in charge of the new holdings, were the Land Court, and the book was kept by the Land Court. He would venture to point out that if that were so access could be had to the book, but he did not believe it was in the possession of the Land Court. The 27th Section of the Crofters Holdings Act was an unrepealed section and by that section the record was to be kept in the Sheriff Court. It seemed to him, reading the two Acts together, that the book was not kept by the Land Court.

MR. SINCLAIR: The right Hon. Gentleman is perfectly right.

MR. A. J. BALFOUR asked what were they to think when the right hon. Gentleman addressed two arguments in favour of the Bill each of which was founded on misconception? He did not know whether that was the way in which the Bill was dealt with in Committee, but with all respect he must say the right hon. Gentleman ought to have made himself acquainted with the contents of the Bill after it came downstairs. The arguments in favour of the Bill having been dismissed—they had been abandoned by the right hon. Gentleman himself — what were the merits? The real point was whether the Land Court was to be the body to register these new holdings, or whether it was to be the Agricultural Commissioners. Clearly every sound argument tended in the direction of making those responsible for the holdings who created new ones. If they looked at Sub-sections (6) and (18), it must be clear to the House that it was the body responsible for the expenditure of public money, for the using of the taxpayers' money for the purposes of these new holdings, who should determine whether they should be registered or not. Was not that common sense? If anything further were required to justify the argument they found it in the next section relating to assistance given; and if assistance was to be granted by the Land Commission, ought it not to be registered by the Land Commission, and if it was to be registered by the Land Commission, where else could it be registered except where the right hon. Gentleman desired it to be registered, namely, in the book which for the moment he thought was in the custody of the Land Court, but was, in fact, in the custody of the Sheriff? If the administrative body had first to settle the propriety of the loan, surely they were the people who ought to register the holding. It was a most obvious and simple Amendment which his hon. friend had moved, and he should have thought that it would have been jumped at by the Government. If, however, they still adhered to the form of the Bill, he thought the Secretary for Scotland would agree that as the only two arguments which he had used had been abandoned by himself, he or one of his colleagues should get up and give them a new version of the defence they proposed to urge against the suggestion which they had made from that side of the House. Any argument which had been advanced so far had been abandoned, and he ventured to think the time had come when they should have some more solid basis than had yet been found for maintaining the Bill in its present shape.

MR. LAMBTON was understood to say that the Secretary for Scotland apparently did not quite understand the point. What he had submitted was that the Agricultural Commissioners had to satisfy themselves that the applicants were suitable persons for holdings, and, if under Section 6 the Agricultural Commissioners might make an advance of money, then it seemed to him absolutely impossible to maintain the Land Court in the position given it by Subsection (1), and at the same time protect the taxpayers and the Agricultural Commissioners against loss. The Agricultural Commissioners were responsible for the money advanced under the Bill, and they ought to be responsible for rejecting the holding.

MR. SINCLAIR said there were perfectly clear and definite functions for the Agricultural Commissioners and for the Land Court. A number of holdings were registered in the Landholders' Holding Book which were not new holdings, but which came within the operation of the Act, for instance under Clause 2. A number of holdings within the limits of the Act would be entitled to the facilities given by it entirely irrespective of the action and without the knowledge or help at all of the Agricultural Commissioners. They had adopted as the procedure under this Bill the procedure of the Crofters Act of 1886, and just as under that Act responsibility for registration lay with the Crofters' Commissioners, so would responsibility for registration lie with the Land Court under this Bill. The right hon. Gentleman had made the perfectly fair point that be had stated that the Landholders' Register must be kept by the Land Commission. He was, of course, in error, but he thought Members who were in Committee upstairs would do him the justice to say that it was a slip. They all knew from the discussions in Committee that the Landholders' Book was kept by the Sheriff's clerk, and, just as responsibility for entries lay with the Crofters' Commission under the Act of 1886, following that procedure, responsibility for registration lay with the Land Court under this Bill. Entries were made in the Landholders' Holding Book of orders and applications which had been decided by the Crofters' Commission, and similarly entries would be made in the book kept by the Sheriff's clerk in each county of orders and applications decided by the Land Court, who were the only authority under the Bill entitled to send orders and applications for registration. The Land Court was the only body which would have cognisance of orders and applications, and it was to the Land Court, therefore, that they committed this duty of registration.

Question put.

The House divided — Ayes, 222; Noes, 64. (Division List No. 384.)

AYES.

Abraham, William (Rhondda)
Adkins, W. Ryland D.
Alden, Percy
Ambrose, Robert
Ashton, Thomas Gair
Asquith, Rt. Hon Herbert Henry
Astbury, John Meir
Baker, Sir John (Portsmouth)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barlow, Percy (Bedford)
Barran, Rowland Hirst
Barry, Redmond J. (Tyrone, N.)
Beale, W. P.
Bell, Richard
Bellairs, Carlyon
Benn, W. (T'w'r Hamlets, S. Geo.
Bethell, Sir J. H. (Essex, Romf'rd
Black, Arthur W.
Bowerman, C. W.
Brace, William
Branch, James
Brigg, John
Bright, J. A.
Brunner, J. F. L. (Lancs., Leigh)
Burns, Rt. Hon. John
Burt, Rt. Hon. Thomas
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clough, William
Clynes, J. R.
Collins, Sir Wm. J. (S. Pancras, W.
Cooper, G. J.
Corbett, C. H. (Sussex, E. Grinst'd
Cornwall, Sir Edwin A.
Cory, Clifford John
Cowan, W. H.
Cox, Harold
Craig, Herbert J. (Tynemouth)
Crooks, William
Curran, Peter Francis
Dalziel, James Henry
Davies, Ellis William (Eifion)
Dewar, Arthur (Edinburgh, S.)
Dewar, Sir J. A. (Inverness-sh.)
Dickinson, W. H. (St. Pancras, N.)

Dickson-Poynder, Sir John P.
Duckworth, James
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Findlay, Alexander
Foster, Rt. Hon. Sir Walter
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Furness, Sir Christopher
Gill, A. H.
Gladstone,Rt.Hn.HerbertJohn
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Grant, Corrie
Gulland, John W.
Gurdon,RtHn.SirW.Brampton
Hardy, George A. (Suffolk)
Harmsworth,R.L.(Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey,W.E.(Derbyshire,N.E.
Hazleton, Richard
Helme, Norval Watson
Henderson, Arthur (Durham)
Henry, Charles S.
Herbert, T. Arnold (Wycombe)
Hobart, Sir Robert
Hodge, John
Holland, Sir William Henry
Holt, Richard Durning
Hope, John Deans (Fife, West)
Horniman, Emslie John
Hudson, Walter
Idris, T. H. W.
Illingworth, Percy H.
Jacoby, Sir James Alfred
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones,SirD.Brynmor(Swansea)
Jones, Leif (Appleby)
Jones,William(Carnarvonshire)
Jowett, F. W.
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lambert, George
Lamont, Norman
Lardner,James Carrige Rushe
Leese,SirJosephF.(Accrington)
Lever, A.Levy(Essex,Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Luttrell, Hugh Fownes
Macdonald, J. R. (Leicester)
Macdonald,J.M,(FalkirkB'ghs
Macnamara, Dr. Thomas J.
Macpherson, J. T.
MacVeagh,Jeremiah(Down, S.)
MacVeigh,Charles(Donegal,E.)
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Marnham, F. J.
Massie, J.
Masterman, C. F. G.
Micklem, Nathaniel
Molteno, Percy Alport
Montagu, E. S.
Mooney, J. J.
Morgan, G. Hay (Cornwall)
Morgan,J.Lloyd(Carmarthen)
Morrell, Philip
Morton, Alpheus Cleophas
Murphy, John (Kerry, East)
Murray, James
Myer, Horatio
Nicholls, George
Nicholson,CharlesN.(Doncaster
Nolan, Joseph
O'Brien, Patrick (Kilkenny)
O'Connor, T. P. (Liverpool)
O'Grady, J.
O'Kelly,James(Roscommon,N.
Partington, Oswald
Pearce, William (Limehouse)
Pearson,W.H.M.(Suffolk,Eye)
Pickersgill, Edward Hare
Price, C. E. (Edinb'gh,Central)
Priestley,W.E.B.(Bradford,E.)
Pullar, Sir Robert
Radford, G. H.
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Rees, J. D.
Richards,T.F.(Wolverhampton
Richardson, A.
Rickett, J. Compton
Roberts, John H. (Denbighs.)
Robertson,SirG.Scott(Bradford
Robertson, J. M. (Tyneside)
Robinson, S.
Roe, Sir Thomas
Runciman, Walter
Russell, T. W.
Samuel,Herbert L. (Cleveland)
Sears, J. E.
Seddon, J.
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick, B.)
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanley, Albert (Staffs., N.W.)
Stanley,Hn.A.Lyulph(Chesh.)
Stewart, Halley (Greenock)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Taylor, Austin (East Toxteth
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thomas,SirA.(Glamorgan, E.)
Thorne, William
Torrance, Sir A. M.
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walton, Sir John L. (Leeds, S.)
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent
Waring, Walter
Wason,JohnCathcart(Orkney)
Waterlow, D. S.
Weir, James Galloway
White,J. D. (Dumbartonshire)
White, Luke (York, E. R.)
White, Patrick (Meath, North)
Whitely,JohnHenry(Halifax)
Whittaker,SirThomas Palmer
Williams,Llewelyn(Carmarthen
Wilson, John (Durham, Mid)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Weshoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Anson, Sir William Reynell
Anstruther-Gray, Major
Ashley, W. W.
Balcarres, Lord
Baldwin, Alfred
Balfour,RtHn.A.J.(CityLond.)
Banbury, Sir Frederick George
Barrie, H. T. (Londonderry,N.)
Beach,Hn.MichaelHughHicks
Bowles, G. Stewart
Bridgeman, W. Clive
Brotherton, Edward Allen
Bull, Sir William James
Butcher, Samuel Henry
Castlereagh, Viscount
Cave, George
Cavendish,Rt. Hon.VictorC.W.
Cecil, Evelyn (Aston Manor)
Cecil,LordR.(Marylebone,E.)
Cochrane, Hon. Thos. H. A. E.
Corbett, T. L. (Down, North)
Craik, Sir Henry
Davies,David(MontgomeryCo.
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Faber, George Denison (York)
Faber, Capt. W. V. (Hants, W.)
Fell, Arthur
Ferguson, R. C. Munro
Fetherstonhaugh, Godfrey

Forster, Henry William
Gordon, J.
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hill, Sir Clement (Shrewsbury)
Hunt, Rowland
Kimber, Sir Henry
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Long, Rt. Hn. Walter (Dublin, S.)
Lonsdale, John Brownlee
Lyttelton, Rt. Hon. Alfred
Mason, James F. (Windsor)
Meysey-Thompson, E. C.
Mildmay, Francis Bingham
Parkes, Ebenezer
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Remnant, James Farquharson
Rutherford, John (Lancashire)
Scott, Sir S. (Marylebone, W.)
Sheffield, Sir Berkeley George D.
Sloan, Thomas Henry
Smith, Abel H. (Hertford, East)
Starkey, John R.
Staveley-Hill, Henry (Staff'sh.
Stone, Sir Benjamin
Talbot, Lord E. (Chichester)
Tennant, Sir Edward (Salisbury)
Thomson, W. Mitchell-(Lanark)
Walker, Col. W. H. (Lancashire)
Wolff, Gustav Wilhelm
Wyndham, Rt. Hon. George
Younger, George

TELLERS FOR THE NOES—Sir Alexander Acland-Hood and Viscount Valentia.

MR. SINCLAIR moved to insert words in Clause 7 requiring the Commissioner to ascertain "after due inquiry what demand for small holdings exists in any district, and after consultation (where practicable) with the landlord or landlords what land (if any) is available to meet that demand, under what conditions such land is cultivated, and what employment it affords." He said that when the Committee discussed this question it was suggested that it would not be proper when the Commissioner of Small Holdings went into a district to make his inquiry as to whether land was available for new holdings and whether there was any demand for them, to do so behind the back of the owner of that land. Such a course would, in practice, never be taken. It was not intended that the Commissioner should go down and make secret observations for himself, but that he should go rather in a friendly spirit to endeavour, in the first place, to carry out these schemes with the agreement of all concerned. He had promised to reconstruct the second subsection, and as amended it would read—

"It shall be the duty of the Commissioner for Small Holdings to report from time to time to the Agricultural Commissioners, after due inquiry, what demand for small holdings exists in any district, and after consultation (where practicable) with the landlord or landlords what land (if any) is available to meet that demand, under what conditions such land is cultivated, and what employment it affords."

These words had been designed to meet the considerations he had mentioned, and they directed the attention of the Commissioner to the fact that he should have regard to the present conditions of cultivation of the land as being pertinent to his inquiry. His attention was also directed to the consideration of what employment the land at present afforded. He begged to move.

Amendment proposed to the Bill—

"In page 7, line 1, to leave out from the words 'Commissioners,' to end of line 3, and to insert the words 'after due inquiry what demands for small holdings exists in any district, and after consultation (where practicable) with the landlord or landlords what land (if any) is available to meet that demand, under what conditions such land is cultivated, and what employment it affords.'"—(*Mr. Sinclair.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. WALTER LONG said he quite recognised that the Amendment was intended to meet the points which were raised upstairs, and he was much obliged to the right hon. Gentleman for this concession. The Amendment, however, did not strike him as being a good specimen of artistic draughtsmanship. As for the consultation with the landlord, that could not, of course, take place if the landlord was away, and he might be residing in Australia. The right hon. Gentleman said that it was intended that the Commissioners should go down to these districts rather in a friendly spirit than otherwise. What was meant by that? He should have assumed that the Commissioner would have gone down in an entirely friendly spirit.

MR. SINCLAIR: Hear, hear.

MR. WALTER LONG: The right hon. Gentleman cheered that statement, but his language did not imply that. The clause threw upon the Commissioner for Small Holdings an extremely invidious duty, because it laid upon them the obligation to inspect other people's property and there were a great many landowners who would resent it as an intrusion, because they would not believe that the

Commissioner was any better judge than they were of the needs of the locality. The words suggested that there should be consulation with the landlord, and that there should be an inquiry as to the demand for small holdings. Those provisions would ensure a certain amount of caution and care which would not have followed from the words in the original clause. The grave blot on the Amendment was that it took no note of the displacement of labour. That point, however, would be met by an Amendment which he intended to move.

Question put, and negatived.

Question proposed, "That those words be there inserted in the Bill."

Mr. WALTER LONG moved to add after the word "demand" the words "without causing undue displacement of agricultural labourers, or others, presently employed on or about such land." Reference had been made to Irish land legislation as the only precedent to be found for the general plan of the Government. In one part of Ireland they had had this system of small holdings in much larger and more general existence than in any other part of the United Kingdom. In some parts of North and Mid. Antrim small holdings of about twenty acres were the rule and not the exception, and in those parts of Ireland they had none of the social difficulties which were to be found in the South and West which had led men away from the development of industries. There they had a thrifty and industrious population, the land was suitable and fertile, and the holdings averaged about twenty acres. What had been the result? In both those divisions of Armagh there had been a steady decrease in the population. Hon. Members opposite would be living in a fool's paradise if they imagined that by any legislation of this kind for the extension of small holdings they were going to solve those social evils of depopulation which were affecting the rural districts. If they decided to establish small holdings in so singular and favourable a way to the new small holders, in the name of common justice they ought to have regard to those who were now living on the soil. If the experiment was a success, and if a large number of small holdings were established, agricultural labourers must be displaced. The Amendment was intended to do two things. One was in connection with this section, and the other was to do something more at a later stage of the Bill. He submitted that they had no right to create small holdings in the general interest of the community, however excellent that object might be, if, in so doing, they deprived a section of the community in the locality of the living which they were getting and on which they were dependent. It was all very well to say that they would find employment on the small holdings, but that would not be so. If a man was to make a living on a small holding, he must have very little paid labour; he must depend on the exertions of himself and his family. If a farm of 200 acres of mixed cultivation was broken up into holdings of fifty acres each, what would become of the poor labourers? While the large farm would give employment all the year round to ten or twelve able-bodied men, the smaller holdings would not provide work for the same number. The labourers on a large farm not only got regular work, but they were provided with houses, and they had gardens which they could cultivate. He submitted that, unless the Commissioners were satisfied that small holdings could be established without unreasonable displacement of present labour, they ought not to take any steps for the setting up of the holdings. To set up small holdings and to prevent labourers from making their living would be a curse rather than a blessing, and it would do the very thing which ought not to be done in the way of driving people away from the rural districts. The Amendment should as a matter of justice be accepted. He hoped that on further reflection the Government would do now what they refused to do in Committee. If this legislation were to be the means of disturbing the opportunities of employment in the country districts, there would be hostility raised against the movement for small holdings before the ink of this measure was dry in the Statute Book. If the Bill was not to be thrown out, he wished it to pass with as few defects as possible. He was not pressing this in the interest of a particular class, for, although the proposal he made was primarily in the interest of the labourers who would otherwise be displaced, it was equally in the interest of all other classes of the community that those men should not be unfairly dealt with. He begged to move.

Amendment proposed to the proposed Amendment to the Bill—

"In line 4, after the word 'demand,' to insert the words 'without causing undue displacement of agricultural labourers, or others, presently employed on or about such land.'"—(*Mr. Long.*)

Question proposed, "That those words be there inserted."

MR. SINCLAIR said the right hon. Gentleman knew well that the conditions of farm labour in Scotland differed from those prevalent in England. Farm servants in Scotland were migratory, and there was great scarcity of labour in many rural districts. Many of the larger farmers complained of the increasing difficulty in getting sufficient labour for their farms. This consideration had been pressed on the Government in the Standing Committee, and the Government agreed with the critics of the Bill in desiring that this consideration should be present to the mind of the Commissioner of small holdings. He had more confidence than the right hon. Gentleman in the likelihood of an increase in the population in the rural districts from the creation of small holdings in Scotland. He suggested that the phrase "or others" was indefinite and too wide in its meaning, and the words should be omitted. Subject to that modification the Government would accept the Amendment.

MR. MUNRO FERGUSON said he saw no harm in including the words "or others." He thought, however, the words "farm servants" more descriptive of the conditions in Scotland than the words in the Amendment.

MR. SINCLAIR said if the right hon. Gentleman would accept the words "farm servants," which was a Scottish term, he would accept the Amendment.

MR. MUNRO FERGUSON said that would cover the case. After all, the object of the Agricultural Commissioners was to make small holdings; it was not their business to consider the agricultural labourers or anybody else. It was, therefore, desirable that it should be present to their minds that in creating small holdings there might be considerable displacement of labour. He had never thought that by the creation of small farms they would add at all to the landward population. He believed that the greatest amount of labour was given by the large farms in the highest state of cultivation, because the small agricultural farm was not so highly farmed as a rule, though there were a great many exceptions. If anything, there would be a decrease rather than an increase in the state of cultivation by the substitution of small farms for large ones. There were, however, other advantages in the change, and it was on the ground of these he wished small holdings to be created wherever practicable.

*MR. MURRAY (Aberdeenshire, E.) said he was so deeply interested in this Bill that he felt it was his duty to state to the House his own experience. Many years of his childhood were spent on a small holding of twenty-five acres, for which his father paid a rent of £50 a year. His father afterwards took a small farm of 500 acres, and while living there he himself gathered some experience of the conditions of agriculture in Scotland. He had the greatest admiration for the right hon. Member for South Dublin, who had a knowledge of agriculture in England, but whose knowledge of agriculture in Scotland was not so complete. He could not agree with him that the creation of small holdings would lead to the displacement of farm servants. He attended a meeting of farm servants recently at Ellon, and he was assured by the men who were present that with a 35-acre holding a farm servant would not be very much better off financially as a holder than as a servant, but that socially he would be much better. A farm of 500 acres could be so divided as to leave room still for the labourers, and there would be no danger of displacement at all. The statements made in Committee by hon. Members opposite were taken from the Scottish newspapers, which were almost without exception dead against this measure. There were two sides to every question, and unless both sides were heard a sound judgment could not be formed. On the previous day he had attended a meeting in the constituency of the Chancellor of the Exchequer and had the privilege of speaking to 1,000 farm labourers. A ploughman was in the chair, and moved a resolution which was seconded by a ploughman and carried with the greatest enthusiasm. He might be allowed to read that resolution—

> "I beg to move that this meeting of ploughmen and farm servants support the Small Landholders (Scotland) Bill. That we consider it the most genuine scheme of Land Reform that has ever been proposed for Scotland. That it will help to stop rural depopulation and relieve the overcrowding of our towns and cities, and give ploughmen a chance to become their own masters on fair and reasonable conditions. That we consider that all opposers of the Bill are not friends of the ploughmen. That we give the Liberal Government our most enthusiastic support, and hope it will carry the Bill into law this session."

No one looking at the faces of those earnest men, who gave him the most attentive hearing in spite of the noises of the fair all round, could realise anything else than that they were in earnest in this matter of small holdings. It was also his privilege to attend a meeting at Perth at which delegates from every part of Scotland except Orkney and Shetland were present, and their demeanour showed how deep was the undercurrent in favour of this Bill.

*MR. SPEAKER said that the hon. Member was opening a very wide door of invitation to hon. Members to make Second Reading speeches. He would point out that the Amendment was a very narrow one—an Amendment on an Amendment—and the hon. Member should confine himself to that.

*MR. MURRAY said he begged Mr. Speaker's pardon for not being better acquainted with the rules of the House. As a business man he had not yet got acclimatised to the forms of the House. He had come there to do things, but he was beginning to find out how not to do things. He regretted that he could not agree with the Amendment of the right hon. Member for South Dublin. In Aberdeenshire, where the farmers mostly depended on stock and grass, it was as easy to attend to stock on a smaller holding as on a large farm; and he felt it his duty to plead the cause of the farm labourers from whom he sprang.

MR. A. J. BALFOUR said that if the hon. Member had strayed into a very wide field, he had spoken with an earnestness and from a large personal experience which could not fail to impress hon. Members and enlist sympathy from all quarters of the House. As to the resolution passed by the farm labourers who attended the meeting the previous day in Fifeshire, he would say that whatever those farm servants thought of the criticisms which hon. Members on the Opposition side of the House had made on the Bill, those criticisms were made in real friendship and in their interests. The Amendment proposed by his right hon. friend was obviously necessary. The hon. Member for East Aberdeenshire seemed to think that large and highly cultivated farms could be cut up into small holdings without diminishing the amount of labour on the same area of land. As a general proposition he thought the hon. Gentleman was wrong. There might be exceptions here and there where the hon. Gentleman might be right, where small holdings were occupied by a similar number of heads of families; but he was convinced that that was not the universal rule. It should be remembered that the great advantage of small holdings as exhibited in France and elsewhere was that the same person was owner and cultivator, and that the wife and family gave an amount of work to the farm that was never asked for here, and if asked for, would never be given. They worked hard for long hours. It followed that if it was wished to keep a large number of heads of families on the land in this country the way to do it was not to cut up large farms into small holdings unless they went in for intensive cultivation. His hope for Scotland was in intensive cultivation, but that could not be done so well on small holdings of thirty or forty acres as on large farms where labour could be highly organised. He admitted that there were places in Scotland where intensive cultivation could be carried on on small holdings, but these were not very many, especially in the county which the hon. Gentleman represented and in other districts. This was partly due to climatic conditions and the time of the year at which vegetables and the like came to maturity. Intensive cultivation could not be carried on there with profit and success compared with the South of England and the Channel Islands. He did not think the hon. Gentleman, whose authority he admitted, would deny any of the propositions which he had ventured to lay down. Therefore small holdings were created where intensive cultivation was impossible. The number of heads of families on the land would be reduced and the evil of rural depopulation, which they all deplored, increased. He thought that the right hon. Gentleman the Secretary for Scotland was wrong in opposing the Amendment of his right hon. friend. He did not see that it could do any harm.

MR. McCRAE (Edinburgh, E.) said he did not think there was any great difference between the two sides of the House as to the merits of the question: the right hon. Gentleman had been engaged for the most part in painting the lily. If the right hon. Gentleman the Member for South Dublin would strike out the words "or about" from his Amendment it would probably meet the views of the Secretary for Scotland. It must be remembered that the Scottish were a practical people, and no Agricultural Commission or Land Court would propose to set up a small holding which would cause rural depopulation. He thought the best test of the matter was that the agricultural labourers were all enthusiastically in favour of the Bill. They had no fear of rural depopulation being caused by small holdings. All that the Leader of the Opposition had said in regard to intensive cultivation was true. There were, however, various parts of Scotland where that argument did not apply and where large holdings could be cut up in order to create small holdings and increase the number of people on the land. He would suggest that the right hon. Member for South Dublin should now accept the proposal of the Secretary for Scotland and allow the discussion on this point to come to an end.

MR. WALTER LONG said that the discussion had been carried on by practical people and he had been enjoying a feast which those practical people had provided for him. This was not a personal matter between the Secretary for Scotland and himself. He did not want any doubtful words, and they clearly ought to be *ejusdem generis*, and if the right hon. Gentleman thought that "farm servants" would meet what was requisite he would be prepared to accept the Amendment in the amended form.

THE LORD ADVOCATE (MR. THOMAS SHAW, Hawick Burghs) assured the right hon. Gentleman that the expression would form a complete category of farm employees.

SIR J. DEWAR (Inverness) said he was in sympathy with the object of the right hon. Gentleman, but he feared that under the words suggested shepherds would be left out.

MR. SINCLAIR did not think his hon. friend need have any concern in this matter, because it had been mentioned in the Report of the Commissioners on Small Holdings and the Report of the Agricultural Commissioners, and the question had been fully considered.

Amendment to the Amendment (as amended by the substitution of the words "farm servants" for "agricultural labourers or others") agreed to.

Proposed words, as amended, there inserted in the Bill.

Amendment proposed to the Bill—

"In page 7, line 5, to leave out the word 'new' and to insert the word 'small.'"

Amendment agreed to.

MR. J. F. MASON (Windsor) who had given notice of his intention to move to leave out Subsection 5 of Clause 7, which was in the following terms—

"Where a new holding is constituted by agreement, the rent agreed between the landlord and the new holder shall not be altered by the Land

Court for a period of seven years from the term at which it first becomes payable,"

said he thought his object would be better attained if he moved an Amendment standing in the name of his noble friend the Member for the Thirsk Division of Yorkshire "to insert after the word 'not' the words 'if the same shall have been agreed upon for a specified period,' and after the word 'Court,' to insert the words 'during such period and shall not in any case be altered by the Land Court.'" The subsection dealt with the fixing of the rent of the land in case no such agreement as was contemplated had been come to between landlord and tenant. There was nothing more objectionable in the whole of the Bill than to have these rents fixed in this way. The tenant, not knowing whether he was to have his rent lowered or raised, might deal unfairly with his small holding with a view to getting his rent lowered. The idle tenant might neglect the holding, and even the industrious small holder would be looking forward to the effect on his rent if he improved his plot of land. He saw no reason why where two people had had the good sense to see that it was in the interest of both to have a fixed rent for a specified time such an agreement should not be put beyond the power of revision by the Land Court during that period. Therefore he saw no reason why the Government should not accept this Amendment, which he did not think contained an unreasonable suggestion.

Mr. WYNDHAM (Dover) seconded, and said he made no apology for intervening in the debate because he spoke from some experience of land legislation in Ireland. He pointed out that the first advantage of recent Irish land legislation was the acquisition by the tenant of ownership, and another was that when a landlord and tenant had made a bargain, that bargain laid down for a number of years the fixed annual sum which the purchaser was to pay year in and year out. It was not denied that the fact that a tenant had a knowledge that his rent would be reviewed at intervals had led to tenants "running out" their land. It was not in human nature to expect that the result would be otherwise. It was asking too much from the moral point of view to suppose that tenants would put their backs into the work of their farms if they knew that through being industrious they might have the rent increased or that through being idle they might get it diminished. Of course a tenant might be industrious and ingenious, but an idle man as the time came on for the rent fixing would have no inducement to work. Why should it be said that men were incapable of arriving at a bargain in a matter of this kind? He had always understood that in Scotland the cultivators of the soil had done better than the cultivators of the soil in England. Would it be said that these small cultivators of the soil would be unable to come to a bargain with their landlords as to the amount of money which they were prepared to pay? He hoped the Government would not take that view and inflict upon Scotland a system which had borne evil fruit in Ireland in regard to rent fixing, but that the tenants would be put upon conditions that would give them every inducement to cultivate the land. Unless it was said that those who were to benefit by this Bill were incapable of arriving at a reasonable bargain he saw no reason why the Amendment should not be accepted.

Amendment proposed to the Bill—

"In page 7, line 14, after the word 'not' to insert the words 'if the same shall have been agreed upon for a specified period.'"—(*Mr. J. F. Mason.*)

Question proposed, "That those words be there inserted."

Mr. SINCLAIR said that the right hon. Gentleman had opened rather a wide field by the observations which he had addressed to the House. This Bill had nothing to do with purchase nor had it any real similarity to the Irish system of fair rent fixing. There was a wide difference between the two cases which ran right through the Bill and was founded on Scottish experience. He thought that the instances which the right hon. Gentleman had quoted of Irish tenants "running out" their land with a view to getting a reduction of rent were very rare. At all events they were in a large minority.

MR. WYNDHAM said that it was generally recognised during the debates of 1903 that the fact that new rents were going to be fixed at a given date had a depreciating effect upon the energy and enterprise of the tenant during the last two or three years of his tenancy.

MR. SINCLAIR said that that might be so, but he must point out that there were other influences at work, because there was a purchase system running alongside the fair rent system and that had a great influence on the tenants. There was no free sale in this Bill, but the Government had provided compensation for the tenant for his own improvements. The object of this clause was to give some security to the landlord that the agreement he had come to with the landholder should not be disturbed for a period of seven years. The hon. Member for Windsor wished to extend that period. On the previous day it was made a matter of censure upon the administration of the Crofters Act that only in regard to 6,000 out of some 24,000 holdings had fair rents been fixed. In his opinion that fact bore an entirely different complexion. It was to the credit of the Crofters Act that in a great number of cases the landowners and their crofters had been able to come to a satisfactory agreement for the cultivation of the land under the conditions of the Crofters Act. It had never been the intention of that Act to exclude such agreements, and following the policy of that Act the Government under this Bill would do all that was possible to encourage such agreements, and it was not necessary for the landholder to have his rent fixed by the Land Court. What they hoped was that it would be possible under this Bill for a large number of these people to make agreements satisfactory to both parties for a term of years. He had put in the limit of seven years because the tendency in Scotland of late years was to shorten leases. Formerly leases were made for fifteen, nineteen, or twenty-one years, but they were not now common and where they existed there was always a break. In some cases it was at the end of every five years, in others there was a break at seven and fourteen years. Bearing that in mind the period for revision of rents which would actually come before the Land Commission was fixed by the Bill at seven years. The Government did not object to a longer term. It was a question for the landowner and the landholder, and while he questioned whether the landholder would be found willing to agree to the longer term suggested he had no objection to accepting the Amendment.

Question put, and agreed to.

SIR F. BANBURY, in the absence of his hon. friend the Member for Hertford, moved to add words which provided that if the landholder made use of his holding for subsidiary or auxiliary occupations the landowner could apply to the Land Court to readjust the rent. When the Bill was in Committee it was stated that in many parts of Scotland people could not live on a small holding without a subsidiary occupation, and it was thought very hard that fish curing which was carried on on some of these holdings should have to be stopped. Although it might be true that in some cases small holdings could not be carried on successfully unless the occupier had some other occupation, at the same time they did not want to make it possible for a prosperous tradesman in the town to come out into the country and take up a small holding and borrow money to put up buildings upon it merely for the purpose of a pleasure resort. It was difficult to draw the line as to where auxiliary occupation should cease, and nothing was done to meet that difficulty in the Committee. But this Amendment did meet that difficulty to some extent, because if it was found that a prosperous tradesman had acquired a small holding not for the purpose of its being used for the purposes of agriculture, but merely as a pleasure resort, the landlord could apply to the Land Court and claim for an increased rent on the ground that the holding was not used for the purpose intended, and if the Land Court considered that the application was reasonable they could increase the rent. This was a good Amendment because the kind of cases to which he referred were bound to occur. He did not believe even the hon. Member for Dumfries-shire wanted the property of the landlord taken away for the purpose of making it a pleasure-ground for the prosperous tradesmen.

MR. ABEL SMITH (Hertfordshire, Hertford) apologised for being absent when his Amendment came on for discussion. He might, however, be allowed to second it. It had been so ably moved by his hon. friend and so well explained that he had very little left to say. The words of the Amendment he had taken from Clause 9 of the Bill. The right hon. Gentleman would remember that when the clause was under discussion in the Committee it was desired to prevent these holdings being used for a subsidiary occupation. It was desirable that a man whose principal occupation was the cultivation of his holding should have some auxiliary occupation to occupy his spare time in the winter months, but if the cultivation of his holding was subsidiary to his general occupation then it was only fair that the rent of the holding should be reviewed by the Land Court. The object of the Bill was to encourage the increase of a real agricultural population living on the land, and it was because that was considered by everybody in the House to be an object of national importance that this exceptional legislation was proposed. Therefore, it ought not to be used by those who got their living by some other occupation to obtain what was termed in England accommodation land. It would not be fair if a small tradesman, or some other person in a similar position, was treated in this exceptional way and have land which he would cultivate at odd times. It was generally agreed that those who were to be helped by the Bill ought at any rate to obtain the chief part of their living from the cultivation of their holdings. It had been suggested, and it was quite possible, that a man in possession of one of these holdings could be registered as a landholder under the Bill, and then might set up business upon the holding as a fish curer. If that occurred, an entirely new consideration would be set up, and it would be perfectly right, if the holder did anything of that sort—setting up a business foreign to his occupation—that the terms and the rent under which he had the holding should be brought again under review. He hoped the right hon. and learned Gentleman opposite would accept the Amendment.

Amendment proposed to the Bill—

"In page 7, line 16, at the end, to insert the words, Provided that, if the landholder makes use of the holding for subsidiary or auxiliary occupations not agreed upon at the commencement of the tenancy, the landlord may apply to the Land Court for a readjustment of the rent of the holding, and the Land Court shall, in considering such readjustment of rent, take into account the use to which the holding is put.' "—(*Sir F. Banbury.*)

Question proposed, "That those words be there inserted in the Bill."

THE LORD ADVOCATE (Mr. THOMAS SHAW, Hawick Burghs) said he was sorry the Government could not accept the Amendment. The theory of the Crofters Act was as follows: In the first place, the small holder, as a condition of his tenancy, must not injure the holding. The landlord was entitled by law to require that the holding should be kept in fair cultivation, and under the Act of 1886 a forfeiture arose in two cases—First, where there was dilapidation of buildings, against which the landlord was entitled to protect himself; and, secondly, where there was deterioration of the holding to which he himself called attention. For the past twenty years that had acted in the best of ways. Seldom—he did not think ever—had this clause been called in question. The effect of cultivation under conditions of fixity of tenure and fair rent had been that the holdings had been let, they had been kept in a fair state of cultivation, the buildings had not dilapidated, and cases of forfeiture had not arisen. The proposal of the Amendment was that if a new holder was set up the landlord was to be entitled at the next fixing of the rent to take into account any subsidiary or auxiliary occupation in which the holder had engaged, although it had not injured the holding, the cultivation having gone on as before, and although it had not caused dilapidation of buildings. Perhaps the small holder might open a little shop in a part of his cottage, doing no harm to the holding, and perhaps rather improving the cottage than otherwise. On a readjustment of rents, it was proposed by the Amendment that the landlord should be entitled to say that his tenant at the start was not a grocer and that he was entitled to have a larger rent in respect of that. He did not think that would be fair between the parties. Or suppose the small holder had children, and that one of his girls was fond of flowers, was perhaps connected with a University and of a scientific turn, and suppose he put up a small greenhouse in which she might sell flowers, would it be said, in such a case, that that was a subsidiary occupation? Or suppose a holder, finding that his neighbours had to go several miles to get their horses shod, put up a shed where his son, who had served his apprenticeship as a smith, could shoe horses, would that be a subsidiary occupation? Would his hon. friend really say that the Land Court should take such cases into account as a means of giving the landlord more rent? [OPPOSITION cries of "No."] The case they would all have in their minds was that in which recently a Post Office was started by a small holder for the convenience of the neighbourhood. It was found that the Post Office was a source of revenue to the small holder. Was it also to be made a source of revenue to the landlord? Such cases would arise under the Amendment, but he was sure the hon. Member who moved it could not have it in his mind that the landlord was to obtain the benefit of that which did no harm to the holding and left the cultivation practically as before.

MR. WYNDHAM said the right hon. Gentleman had pointed out that under the Act of 1886 the penalty for dilapidation of buildings or deterioration of holding was forfeiture, and in Clause 9 there was a definition of the kind of auxiliary pursuits which might be carried on if the landlords found them reasonable. But what would be the result if the landlord found them unreasonable?

MR. THOMAS SHAW said that the clause applied to the specific case of a new holding. The right hon. Gentleman knew that there were provisions in the Bill with regard to the carrying out of new holdings, and the clause particularly applied to the case of a new holding in which it was quite manifest that the man had got the land for some purpose altogether other than that of cultivation, in which case the Land Court could put its veto upon the transaction. But the cases which were covered by the Amendment might include some small addition to the occupation which would not interfere with the cultivation, nor dilapidate the buildings or deteriorate the holding.

MR. WYNDHAM asked whether he was correct in understanding that a holding, not carved out for the first time, came under the provisions of the Bill, and that a man could do anything else on that land provided it did not dilapidate the buildings or deteriorate it as an agricultural holding. If a man had sufficient effort and thought to run it as a small holding at the same time that he conducted some other business, was he enabled to do that?

MR. THOMAS SHAW: Precisely. He did not mean that the man had to go to the Land Court for sanction, but if he did come before the Land Court, and the Land Court found the additional occupation not to be reasonable, they would disallow it, and the man would incur forfeiture under the Statute.

MR. WYNDHAM said he was very much obliged to the right hon. Gentleman. He felt he could not support the Amendment, for if he did so he would be going against the spirit of the observations he had made a few minutes ago. For his own part he believed that the less element of change they had, once they gave fixity of tenure, the better it would be.

MR. MITCHELL-THOMSON (Lanarkshire, N.W.) said he agreed almost entirely with what the right hon. Gentleman had said; at the same time he thought the Lord Advocate had misunderstood a great deal of the purport of the Amendment. He had shown his skill in setting up a man of straw, only to proceed to lay him in fragments on the floor. The right hon. Gentleman had suggested that the object of the Amendment was to enable the landlords, at the period for re-adjusting the rent, to come to the Land Court and ask that more rent should be given in respect of a subsidiary pursuit which the holder might follow. If the right hon. Gentleman read the Amendment, he would see that it applied in the first place to holdings in connection with which there was an agreement. His hon. friend had mentioned, as an illustration, fish-curing. If a landlord had said that he could not let the man have the holding for fish-curing or anything of that kind, all the Amendment provided was that if a man wilfully broke the agreement with the landlord into which he had entered not to start such a business, then that should be a ground for the landlord going to the Land Court, saying the bargain had been broken, and asking for a readjustment of rent at once. Under the clause, he could have a readjustment of rent at the normal period, at the end of seven years, but it might happen that an agreement was broken just at the beginning of the seven years, and for six years the landlord would have to go on without getting a readjustment of rent, whereas if this Amendment were adopted, he would be enabled to get a readjustment immediately. If he appeared before the Land Court unfairly, he would have to pay the expenses; that was the protection against an unfair appeal. He thought the reply of the right hon. Gentleman did not cover all the points raised by the Amendment, and he hoped the Government would reconsider it.

THE SOLICITOR-GENERAL FOR SCOTLAND (Mr. URE, Linlithgow) said it was quite obvious that the hon. Gentleman who had just sat down had not read the Amendment. To follow a subsidiary pursuit forbidden by agreement would be a breach of contract, but the Amendment did not apply merely to forbidden occupations, as the mover and seconder knew perfectly well. They would go to the Land Court to consider whether it was reasonable. If the man obeyed the order of the Land Court which said that the occupation was unreasonable then the occupation ceased. The Amendment related exclusively to a subsidiary occupation.

SIR F. BANBURY said the hon. and learned Gentleman was quite right in his definition, but that was not what was in his mind when he moved the Amendment. Having got his small holding and misrepresented himself in regard to his occupation, it seemed only fair that if the tenant started an industry the landlord should have an opportunity of going into the Court, because that industry ought to be subjected to an increased rent. There was nothing compulsory in the proposal. The Secretary for Scotland had told them over and over again that nothing could be better than the commonsense of the Commissioners in these matters, but in this case they desired to leave it to the commonsense of the landlord. He hoped the House would look at the question in a practical business-like way. In order to show their confidence in the Land Court he hoped his hon. friends would proceed to a division.

MR. J. D. WHITE (Dumbartonshire) said that if they accepted this Amendment they would be going on the principle that if a small holder were to erect a hot-house or a smithy which had not been anticipated his rent would be raised in consequence. It was a fundamental principle of the Crofters Act which this Bill extended that the crofter's rent was not to be raised against him in consequence of his improvements, and in fixing his rent nothing that his predecessors had done was to be taken into account. The Amendment would be cutting at the very root of that principle.

SIR SAMUEL SCOTT (Marylebone, W.) said that nobody desired to prevent a man putting up such a thing as a smithy. In any case the landlord would have to apply to the Land Court. When they proposed to put a little trust in the Land Court they were told by hon. Gentlemen opposite that they could not be trusted at all.

Question put.

The House divided:—Ayes, 61; Noes, 240. (Division List No. 385.)

AYES.

Acland-Hood,RtHn.SirAlex.F.
Balcarres, Lord
Baldwin, Alfred
Balfour,RtHn.A.J.(CityLond.)
Barrie, H. T. (Londonderry,N.)
Beach,Hn.MichaelHughHicks
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Brotherton, Edward Allen
Bull, Sir William James
Campbell, Rt. Hon. J. H. M.
Cave, George
Cavendish,Rt.Hon. Victor C.W.
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Chamberlain,RtHn.J.A.(Worc.
Corbett, A. Cameron (Glasgow)
Corbett, T. L. (Down, North)
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gordon, J.
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Helmsley, Viscount
Hill,SirClement (Shrewsbury)
Hunt, Rowland
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Long,Rt.Hn.Walter(Dublin,S.)
Lonsdale, John Brownlee
Lowe, Sir Francis William
Lyttelton, Rt. Hon. Alfred
Mason, James F. (Windsor)
Meysey-Thompson, E. C.
Mildmay, Francis Bingham
Moore, William
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Roberts,S.(Sheffield,Ecclesall)
Scott, Sir S. (Marylebone, W.)
Sheffield,SirBerkeleyGeorgeD.
Sloan, Thomas Henry
Starkey, John R.
Stone, Sir Benjamin
Talbot, Lord E. (Chichester)
Thomson,W.Mitchell-(Lanark)
Valentia, Viscount
Walker,Col.W.H.(Lancashire)
Wilson,A.Stanley(York,E.R.)
Wolff, Gustav Wilhelm
Younger, George

TELLERS FOR THE AYES—Sir Frederick Banbury and Mr. Abel Smith.

NOES.

Abraham, William (Rhondda)
Alden, Percy
Allen,A.Acland(Christchurch)
Ashton, Thomas Gair
Asquith,Rt.Hon.HerbertHenry
Astbury, John Meir
Baker, Sir John (Portsmouth)
Balfour, Robert (Lanark)
Baring,Godfrey(Isle of Wight)
Barlow,SirJohn E.(Somerset)
Barlow, Percy (Bedford)
Barnes, G. N.
Barry, Redmond J. (Tyrone,N.)
Beale, W. P.
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn,W.(T'w'rHamlets,S.Geo.
Berridge, T. H. D.
Bethell,SirJ.H.(Essex,Romf'rd
Bethell T. R.(Essex, Maldon)
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Bright, J. A.
Brunner,J.F.L.(Lancs.,Leigh)
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Burt, Rt. Hon. Thomas
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton,Rt.Hn.RichardKnight
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins,SirWm.J.(S.Pancras,W.
Corbett,C.H.(Sussex,E.Grinst'd
Cornwall, Sir Edwin A.
Cory, Clifford John
Cox, Harold
Cremer, Sir William Randal
Crooks, William
Crosfield, A. H.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dewar,SirJ.A.(Inverness-sh.)
Dickinson,W.H.(St.Pancras,N.
Dickson-Poynder,Sir John P.
Duckworth, James
Duncan, C.(Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Dunne, Major Martin (Walsall)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ffrench, Peter
Fiennes, Hon. Eustace
Findlay, Alexander
Foster, Rt. Hon. Sir Walter
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gill, A. H.
Gladstone,Rt.Hn.HerbertJohn
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Greenwood, G. (Peterborough)
Greenwood, Hamar (York)
Grey, Rt. Hon. Sir Edward
Gulland, John W.
Gurdon,RtHn.SirW.Brampton
Haldane, Rt. Hon. Richard B.
Hardy, George A. (Suffolk)
Harmsworth, CecilB.(Worc'r.)
Harmsworth,R.L.(Caithn'ss-sh.
Harvey, A. G. C. (Rochdale)
Harvey,W.E.(Derbyshire,N.E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson,J.M.(Aberdeen, W.)
Henry, Charles S.
Herbert, T. Arnold (Wycombe)
Hobart, Sir Robert
Hodge, John
Holden, E. Hopkinson
Holland, Sir William Henry
Holt, Richard Durning
Hope, John Deans (Fife, West)
Horniman, Emslie John
Hudson, Walter
Idris, T. H. W.
Illingworth, Percy H.
Isaacs, Rufus Daniel
Jacoby, Sir James Alfred
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones,SirD.(Brynmor Swansea)
Jones, Leif (Appleby)
Jones,William(Carnarvonshire)
Jowett, F. W.
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
King,Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lamont, Norman
Lardner, James Carrige Rushe
Levy, Sir Maurice

Lewis, John Herbert
Lough, Thomas
Luttrell, Hugh Fownes
Macdonald, J. R. (Leicester)
Macdonald,J.M.(FalkirkBg'hs)
Macnamara, Dr. Thomas J.
Macpherson, J. T.
MacVeagh,Jeremiah (Down,S.)
MacVeigh,Charles (Donegal,E.)
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield, H. Rendall(Lincoln)
Marks,G.Croydon(Launceston)
Marnham, F. J.
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Montagu, E. S.
Mooney, J. J.
Morrell, Philip
Morton, Alpheus Cleophas
Murphy, John (Kerry, East)
Murray, James
Myer, Horatio
Napier, T. B.
Nicholls, George
Nicholson,CharlesN.(Doncaster
Nolan, Joseph
O'Brien, Patrick (Kilkenny)
O'Donnell, C. J. (Walworth)
O'Grady, J.
O'Kelly,James(Roscommon,N.
Partington, Oswald
Pearce, Robert (Staffs., Leek)
Pearce, William (Limehouse)
Philipps, Owen C. (Pembroke)
Price,C.E.(Edinb'gh,Central)
Priestley,W.E.B.(Bradford,E.)
Radford, G. H.
Rainy, A. Rolland
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Rees, J. D.
Richards,T.F.(Wolverhampt'n)
Richardson, A.
Ridsdale, E. A.
Roberts, John H. (Denbighs.)
Robertson,SirG.Scott(Bradf'rd
Robinson, S.
Roe, Sir Thomas
Rose, Charles Day
Rowlands, J.
Runciman, Walter
Russell, T. W.
Samuel, Herbert F.(Cleveland)
Samuel, S. M. (Whitechapel)
Scott,A.H.(Ashton under Lyne
Sears, J. E.
Seddon, J.
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick B.)
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley,Hn.A.Lyulph (Chesh.)
Steadman, W. C.
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Sutherland, J. E.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Taylor,TheodoreC.(Radcliffe)
Thomas,SirA.(Glamorgan,E.)
Thompson,J.W.H.(Somers't,E.
Tillett, Louis John
Torrance, Sir A. M.
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walters, John Tudor
Walton, Sir John L. (Leeds, S.)
Walton, Joseph (Barnsley)
Ward,John(Stoke upon Trent)
Waring, Walter
Wason,JohnCathcart (Orkney)
Waterlow, D. S.
Watt, Henry A.
Wedgwood, Josiah C.
Weir, James Galloway
White, George (Norfolk)
White, J. D. (Dumbartonshire)
White, Luke (York, E.R.)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax)
Whittaker, Sir Thomas Palmer
Williams,Llewelyn(Carmarth'n
Wilson, John (Durham, Mid.)
Wilson, J. H. (Middlesbrough)
Wilson,J.W.(Worcestersh., N.)
Wilson,P.W. (St.Pancras, S.)
Yoxall, James Henry

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

SIR HENRY CRAIK (Glasgow and Aberdeen Universities) moved the insertion of words to empower the Agricultural Commissioners to provide assistance "by way of loans either to the landlord or the landholder, and in the case of loan to the landlord the Commissioners shall be satisfied that the conditions of tenancy are reasonable as to the amount of rent and the estate regulations, and that they provide for a period of occupancy sufficient to give reasonable security of tenure." It seemed to him that the Government would be very unwise if they did not, in attempting to get the co-operation of the landlords in the formation of small holdings, give them the advantage of powers similar to those which had been given in other land improvement Acts, and especially the Drainage Act. The right hon. Gentleman would admit that if loans could be given in the way proposed, the cordial co-operation of the landlords was much more likely to be obtained. He thought it was only fair that the advantages in the way of loans which were to be given to the small holders should be open to the landlord also. It would be in the interest of the Bill itself, and in accordance with precedent. The strict conditions laid down in the Amendment with regard to the terms on which the advances were to be made were reasonable, wise, and expedient. The landlords in many cases were only too anxious to extend small holdings, but they were unable to do so because they had not the necessary capital. He begged to move.

MR. LANE-FOX, in seconding the Amendment, said that if small holdings were to be established on an absolutely economic basis the method proposed by his hon. friend was the easiest and most satisfactory. It was perfectly clear that the man who was in the best position to establish small holdings was the landlord. The main reason why small holdings had not been more largely established was that the landlords had not the money, their estates being in many cases heavily mortgaged. He did not support the Amendment because it would throw an additional burden on the national Exchequer, but because he believed that the method proposed was the best way to secure the establishment of small holdings.

Amendment proposed to the Bill—

"In page 7, line 29, after the word 'prescribe,' to insert the words 'such assistance shall be provided by way of loans either to the landlord or to the landholder, and in the case of loan to the landlord the Commissioners shall be satisfied that the conditions of tenancy are reasonable as to the amount of rent and the estate regulations and that they provide for a period of occupancy sufficient to give reasonable security of tenure.'"—(*Sir Henry Craik.*)

Question proposed, "That those words be there inserted in the Bill."

MR. SINCLAIR said that the last three lines of the Amendment dealt with considerations which were already provided for in the Bill, and therefore the words were superfluous. In regard to the proposal that the Agricultural Commissioners should be empowered to give loans to landlords the criticism he had to make was that there was already discretion given to the Commissioners to make loans for the purpose of carrying out the provisions of the Bill. There was no specific provision for loans to landlords because loans to them did not appear to be necessary to carry out the provisions of the sub-clause now under consideration. The clause empowered the Agricultural Commissioners to provide assistance "for the purpose of dividing, fencing, or otherwise preparing or adapting the land, making occupation roads, or executing other works, such as works for the provision of drainage or water supply." All those works would be carried out by gift or loan as the Agricultural Commissioners might consider necessary. The "dwelling houses or other buildings" to be erected by the landholders were not to be provided by gift under any circumstances. For that purpose the landholder received a loan and came under an obligation to pay it off. Therefore the first part of the Amendment contradicted the provision in the clause to which he had referred. It was competent for the Agricultural Commissioners to give loans to landlords, but they were not bound to do so. It had been recognised that the difficulty in the creation of small holdings had been the finding of money for the equipment of the land and the erection of buildings. The Bill proceeded on the plan which had been in operation in the congested districts in Scotland for the last ten years. That plan was that where suitable land was found and was to be applied for the purposes of small holdings it was equipped at the public expense in so far as fencing and the other purposes enumerated in the sub-clause were concerned. The justification for that was to be found in two considerations, namely, that it was not fair to lay upon the landlord, as the owner of the land, the obligation of going to that expense, and that the work was to be carried out in the public interest. Possibly the landlord could not afford the expense. When in the public interest slum dwellings were pulled down in towns and new buildings erected money was frequently dropped by the transaction. While it was not right to lay this obligation on the landlord, it was on the other hand not possible or practicable to lay it on the tenant, because, if that were done, the gross rent which he would have to pay for the small holding would not be an economic rent. The loan to be granted was to facilitate the erection of dwelling houses and buildings. They had had experience of that for the past ten years. The Congested Districts Board had provided money for specific purposes to enable the land to be best used in the public interest while in occupation of the several tenants. That procedure was to be followed by the Agricultural Commissioners under this Bill. The money was not a gift either to the landlord or the tenant; it was money to be expended alike for the benefit of the landlord, the tenant, and the public. It really was a gift to the land. The Government did not wish to tie down the Agricultural Commissioners to carry out the work of providing loans in any particular way. The Government had provided sufficiently for the money to be given by gift and loan, and the Commissioners, as trustees for the public, had the duty of seeing that those proceedings were carried out as efficiently and economically as possible. He could not accept the Amendment.

MR. WALTER LONG said that the complaint could not be made that the right hon. Gentleman had been too brief in his statement. Whether he had succeeded in making his position clear to the House he left it to those who had listened to him to say. He confessed that he had not the faintest idea why the right hon. Gentleman had declined to accept one portion of the Amendment or why it was believed to conflict with the proposals in the Bill. The proposals in the Bill were quite simple. They were that the State should lend money for the creation of small holdings, and also for the provision of free gifts. At present they were entirely confined under the Amendment to the question of loans, and his hon. friend the Member for Barkston Ash had made it perfectly clear what were the grounds on which that Amendment had been moved. His argument was that the loans could be granted with greater advantage to the landowner than to the landholder. The right hon. Gentleman said that the Amendment was superfluous, and that it conflicted with the rest of the subsection. He did not see that. The sub-clause provided that loans were to be made for specific purposes to landholders, and his hon. friend wished by his Amendment some reference to be made to the landlord. The Secretary for Scotland said that there was power given to the Agricultural Commissioners to exercise discretion, and the Government did not want to tie their hands. The Government might not mean to tie their hands, but he contended they were doing so. Although it might be the case that the landowner could do the work more efficiently and economically than the landholder, no power was given in the sub-section by which the Agricultural Commissioners would be entitled to employ the landlord as an agent to do their work. He shared the view that the landowner would in many cases be able to do the work more efficiently and economically than the landholder, but he had some natural apprehension of money being lent to the landlord to improve his own property, not because he was afraid of the way in which the money would be expended, but because the proposition was, to his mind, an unsound one, and the powers contained in the Bill might lead to the development of such a policy as might be adopted as the foundation for exercising greater control over the owner of the land in the administration of his estate. On that ground he did not think he would be able to vote for the Amendment, and he hoped that his hon. friend would be willing after the discussion that had taken place to withdraw it.

MR. MUNRO FERGUSON said he had always opposed the principle of loans being granted for the purposes contemplated, and in Committee he had pointed out the danger of embarking on this policy except for well defined specific purposes, such as to provide for experiments being made and object lessons being given to small holders. He had never agreed to lending money by the State promiscuously for the development of the land, nor to the State running the risk of taking upon itself the liabilities of landowners. This was the first step on a very long journey, and he could only express the greatest distrust of the whole policy involved in the granting of these loans. They were turning their backs upon the principle of economic success and starting on the basis of inevitable loss in the creation of small holdings. The right hon. Gentleman argued from the work of the Congested Districts Board as a precedent, but that was absolutely valueless in regard to the work they had now to consider. If they were to grant loans he would be inclined to do so on the best possible security so that no risk to the public Exchequer should be involved. The best possible way to secure that was by advancing money to the landlord who gave security to the State. Sometimes it was safe to advance money to the tenants, but more often it was safer to advance the money to the landlords. There was no reason why money should not be obtained to compensate a tenant quitting a holding without any loss to the State through the landowners giving security. The right hon. Gentleman said he was not tying the hands of the Commissioners, but he was tying their hands in this very respect, because they could not give a loan to a landowner, and in nine cases out of ten they would not be able to give the loan without risk to the State. The whole scheme at present was based upon loss to the State, and, although he had always been opposed to giving State money to landowners, still he thought in this case it was the choice of the lesser evil, because if it was not justifiable to give loans to landowners for the equipment of the land it was still less justifiable to lend money under the policy of the right hon. Gentleman. As he had already argued, they could not take the congested districts as forming any precedent in regard to the difficulties which would fall upon this Commission, because their difficulties would be novel and of an exactly opposite character.

SIR HENRY CRAIK said the Amendment he had moved might be right or wrong, but at all events it raised a clear issue and deserved a distinct answer. At the end of the long and rambling speech made in reply to it he was utterly confused as to the intention which was expressed in the Bill. It only obscured the argument which he put forward rightly or wrongly. The right hon. Gentleman said that the concluding words of the Amendment were unnecessary because the Bill already provided reasonable security of tenure for all tenants. He was not endeavouring to provide reasonable security for all tenants; he was seeking to provide that if they gave landlords assistance they should see that they treated their tenants properly. There were two kinds of assistance, that given by loan and that by gift, and he thought it should be open to them to give assistance to the landlords by loan as well as help the tenants by way of gift. If they were going to give assistance why not give it to both of them?

MR. YOUNGER (Ayr Burghs) doubted the policy of making advances to landlords in Scotland from State funds for the purposes specified in his hon. friend's Amendment, but that proposition was really quite a useless one so long as compensation for failure was restricted to the cases of holdings formed under compulsion. No landlord was likely voluntarily to incur expenditure in the formation of such holdings so long as that provision stood, and he therefore would vote against the Amendment as he did not consider it of any practical use.

MR. J. F. MASON said it was admitted that the small holdings to be constituted under the Bill would not be economic holdings, and that if the cost of fences, roads, etc., was thrown upon the tenants it would be beyond his means. The point was that the money spent on small holdings would be spent at the public expense. It would be public money spent for a public purpose, viz., that of keeping the people on the land. The question of extending the policy to giving loans to Scottish landowners out of English money was, he thought, a doubtful one.

MR. WYNDHAM was understood to say that he gathered from the remarks of the Secretary for Scotland that unless some Amendment of this kind was introduced the landlords would be bound by these transactions. The Bill, however, recognised that a sum of money was going to be invested under a system that would produce a less amount than that which was given. The Government could proceed by either of the alternatives of gift or loan, but if they adopted the system of gift they might be asking a man to pay a higher rent in consequence of that gift of money quite apart from the economic value of the land. As to the system of loan he thought that this plan of buying the landlord out was a worse plan that that of keeping him there in order that he might make those improvements which were necessary and economical, because the loan involved repayment during a period of years, and therefore a charge was put upon the tenant side by side with the rent. That kind of thing had happened in Ireland where they had created new holdings and placed upon them new buildings and done the work of fencing and road making *de novo*. On the one hand they had the payment of the rent, and on the other they had another set of circumstances under which the man was paying for his buildings, his roads, and the fencing of his farm. In Ireland they endeavoured to get out of the difficulty by pooling the two operations and having only one annual repayment. Under this Bill they had no such opportunity. The right hon. Gentleman bowed the landlord out and subjected the man who was to conduct this experiment to a really more onerous obligation. He had to pay a fair rent fixed upon the agricultural value of the holding and to repay the sums which he had borrowed for the purposes of putting up his house and otherwise equipping the holding. If these transactions were to succeed over a large area of Scotland it would be found impossible to spread the repayment of the loans for the equipment over a long period. One final argument against this practice of buying the landlord out was that he would have to be brought in again under the guise of the State. They would have to arm the State with every power a landlord had ever held. They would have to alter the size and shape of the holdings they had bought and strike new bargains, and yet under this Bill the value of the holdings had to be settled by one body and the method of the repayment of the loan by another. An experiment conducted on these lines could only fail.

Question put, and negatived.

Mr. WALTER LONG, on behalf of Mr. COCHRANE, moved to add the following proviso to the clause:—"Provided that when the Agricultural Commissioners are of opinion that, with a view to or as incidental to the registration of a new holder or holders, assistance should be provided by way of gift, such assistance shall be provided by the Agricultural Commissioners otherwise than by a grant of money to such new holder or holders; and provided, further, that a new holder to whom such assistance is provided shall not be entitled, on renunciation of his tenancy or removal from his holding, to compensation in respect of such assistance." He said that the Amendment raised a question of very great importance which had only been touched upon in the previous discussion. It dealt with the proposal of the Government to grant a certain amount of money to new holders in the form of gifts. He found it very difficult to understand the Government's view in the matter. They had decided, however, that the money grants must take the form of gifts, and what the Amendment desired to urge was that if there was to be a gift it should be not in the form of money, but in money's worth. That had been found by owners of property in this country to be the only sound way to deal with a matter of this kind. It sometimes happened that owing to bad seasons and pressure of circumstances it was necessary for an owner to help his tenant over a time of difficulty by a grant; but where that was done it was invariably found wisest to arrange with the tenant in such a way that he got the value, but not the cash in hand. That was not because the man was dishonest, but, first, because the temptation to make other use of the money than that for which it was intended, and, secondly, because the landholder was not always the best judge of the best way in which the money should be spent upon the holding. It must be remembered that the men to whom these gifts were to be made were not strong men with experience of their own to go back upon. One of the difficulties under which they would labour would be that in all the work they did involving financial bargains they would deal in a small way, and without the assistance of co-operative societies they would never obtain the advantages obtained by the bigger men who were able to buy in larger quantities and deal generally in a bigger way. The second part of the Amendment was designed to clear up a difficulty which arose during the debates in Committee, and upon which the Government had not been able to express an opinion. The words were—

> "And provided, further, that a new holder to whom such assistance is provided shall not be entitled, on renunciation of his tenancy or removal from his holding, to compensation in respect of such assistance."

That was a proposition so obvious that it only had to be stated to meet with the general acceptance of the House. He begged the Government to consider the first part of the Amendment. This was an experiment being made in Scotland for the first time in this extended manner. It had been made in Ireland with regard to the evicted tenants, and the results in many cases where money had been found for restoring those tenants had not been so satisfactory as one would like to see, and the precedents on which the Government had to rely were not such as to justify them in spending the public money in this way. He begged to move.

Amendment proposed to the Bill—

> "In page 7, line 29, after the word 'prescribed' to insert the words 'provided that when the Agricultural Commissioners are of opinion that, with a view to or as incidental to the registration of a new holder or holders, assistance should be provided by way of gift, such assistance shall be provided by the Agricultural Commissioners otherwise than by a grant of money to such new holder or holders; and provided further that a new holder to whom such assistance is provided shall not be entitled, on renunciation of his tenancy or removal from his holding, to compensation in respect of such assistance.' "—(*Mr. Long.*)

Question proposed, "That those words be there inserted in the Bill."

MR. J. D. WHITE said that in considering the particular working of this Bill they ought to assume that in the majority of cases the Agricultural Commissioners would be reasonable men, and on that assumption he thought this matter might be fairly left to their discretion. The amount of money placed at their disposal was extremely limited, and the cases would be very few in which they would give a sum of money. They would most certainly prefer to spend it on the equipment of the holdings. In no case, however, should they lay down a hard and fast rule, because he could conceive exceptional cases where a money advance would be of more value than if that money was spent upon equipment. He was not impressed with the arguments against making these gifts, and the Government had no idea of imitating at any rate that policy of doles which was such a characteristic feature of the late Government. If anything was to be given, whether in money or money's worth, the idea was not to give it to a few favoured individuals. It was to be given to these men because a certain margin must be allowed for experiment. But the fundamental idea was that it should be a loan.

MR. YOUNGER said he did not know that it was necessary that the Bill should contain the last portion of the Amendment, because a gift was a gift, and no man on leaving his holding could expect compensation for a gift But there was no doubt a great deal of force in the first part of the Amendment. It was a reasonable proposal, and he hoped the right hon. Gentleman would accept it.

MR. SINCLAIR said it was absolutely foreign to their purpose or intention to give money where money was not wanted, or to do anything which would check the best energies and efforts of the small holders. They had in this provision followed the Act of 1897, establishing Congested Districts Commissioners, in which there was no limitation of the Commissioners' discretion in the sense suggested by the Amendment. They had exercised a wise discretion in carrying out the functions entrusted to their charge, and he thought there was some ground for adhering to the former practice in this respect. What he had said applied to the earlier part of the Amendment. In regard to the second portion, it was of course the case that no compensation was permitted in respect of subsidies. The words of the Crofters Act were perfectly definite, and they had never led to any confusion or mistake. The tenant was only entitled to compensation for improvements carried out by himself. He was advised that the words of the Amendment were really not necessary. He would ask the House to leave to the Agricultural Commissioners the discretion which they or their predecessors had hitherto possessed, and which had been exercised by them entirely in the spirit of the right hon. Gentleman's remarks, and so far without any detriment to the public.

MR. STARKEY (Nottinghamshire, Newark) said a great amount of care should be exercised in safeguarding the position in regard to how the money advanced was expended. The gifts were intended for the purposes of fencing, draining, and other matters under the Bill. If the landholder had a gift of money made to him and he spent a portion of it on draining, how was it possible afterwards to apportion that and see how much had been spent in other directions? The Secretary for Scotland had spoken just now of these presents of money as being gifts to the land; but if they put golden sovereigns into the land somebody would pick them up. Who was to be that somebody? That was what he would like to know. If the golden sovereigns were so put into the land it must follow that either the next landlord or the next landholder would be called upon, unwillingly upon the part of the Government perhaps, to pay for some of the improvements that had been made with the money advanced as a gift. It seemed to him an altogether unworkable proposition. If the money was given it ought to be given for a specific object; it ought to be clearly laid down for what object the money was given, and a record should be kept, so that when the tenant left at the end of his term there might be no doubt or difficulty as to what had been spent and how the gifts had been apportioned out.

Sir SAMUEL SCOTT said that it was true that the Commissioners might give money to the landholder, but under the Bill there was absolutely no guarantee that the money would be applied to the purpose for which it was given; and he would defy all their Land Courts and all their Agricultural Commissioners to utilise their power and authority in order to insist that the money, if it once reached the hands of the landholder, should be used in the manner that that House wished or supposed that it would be used. He was surprised that the Government did not see their way to accept the Amendment, which was reasonable, and gave the Commissioners power to equip the land; and after all, what was the money given for if it was not for the purpose of equipping the land and turning it into a successful small holding? He maintained that any offer of money without any guarantee how it was to be expended was economically unsound, and if they were to speak of doles, as did the hon. Member opposite just now, this was the worst form of dole that could possibly be conceived.

Mr. BEALE (Ayrshire, S.) said that he was one of those who looked with very great suspicion upon a proposal to provide money for this purpose by way of gift at all. The reflection which always occurred to him was that when they lent money to persons who had not the wherewithal to provide for their necessities, they were not likely to be very flush for some time to come, and in the circumstances the gift and the loan became very nearly identical. He thought that in many of these cases it was better to call the money advanced a gift at once rather than to trust to any charge on a man's future prosperity for getting repayment. If it was to be a gift, he did not share the apprehension that the Commissioners would be so foolish as to put the cash into the hands of a man without providing all necessary safeguards. It would be absolutely impracticable for the Commissioners to stand by to see how every sovereign was spent. They must make the tenant, whom they believed to be a responsible man, to some extent the person who was to look after the expenditure of their money. He was very much inclined to agree with the observation of the right hon. Gentleman that the tenant who was removed from his tenancy should not pay the claim of the landlord for compensation for the equipment that had been put in for him. The sole question was whether it was a gift to the tenant or to the landlord. It took the form of an improvement of the holding, by which the landlord's rent would in future be measured; and therefore if they said that the landlord was not to pay compensation for it, they undoubtedly made him a present of it. If they said that the tenant might claim it, they were simply abrogating the gift from the landlord. Of the two, he thought that the more consistent course to adopt was that of letting the equipment be on the same footing as any other equipment so that the landlord would have to pay compensation for it, and then it would be part of his holding of which he himself would get the benefit in dealing with the new tenant.

MR. ABEL SMITH said he noticed that the Secretary for Scotland, in replying to his right hon. friend, had cited the procedure under the Congested Districts Acts in Ireland, and had said that as far as he was concerned there was no reason why the system should not be extended to the operations of this Bill when it became an Act of Parliament. But the circumstances of the West of Ireland and of the Western Highlands were such as to make gifts of money suitable. The people in those districts were not on a sound economic basis, and that was the sole reason why Parliament assented to make gifts in those cases. But how different were the conditions which prevailed in the Lowlands of Scotland where this Bill was to come into operation. If the Bill was to be put into operation in the way proposed it would be a failure from the first. Its object was to encourage the farming of small holdings in the Lowlands of Scotland, which were not under the Crofters Act, so that a large number of people might be able to make a living on the land and that the population of the rural districts might be increased. He submitted in the first place that these gifts were altogether inappropriate to conditions such as those which obtained in the Lowlands, and if any advances were to be made they ought to be by way of loan either to the landowner or to the landholder, and the person who got the benefit of the loan ought to enter into a contract to repay it in a certain period. That was the only businesslike footing on which a matter such as this could be placed. Every single matter they were discussing under this long clause arose from the complicated arrangement which the right hon. Gentleman had gone out of his way to make. He would take the case of a man who was the legal owner of land upon which they desired to create a small holding. It was quite obvious that the equipment of that small holding would cost a lot of money. The holder might be perfectly willing to equip it if he had the necessary capital, and they desired that the Commissioners should be allowed to step in and provide the money. As they refused to make the loan to the owner, the next most sensible course was to buy the owner out either through the local authority or through some central authority; then the Commissioners could spend what public money had been placed in their hands for this purpose in equipping the holdings, and none of these complications and muddles would arise. If the Bill remained in its present form complications were bound to arise. Another way was to make the advance to the man they were going to place in occupation of the holding. That would be a sensible thing to do if the small holder could give the necessary security. Under this Bill they were giving fixity of tenure and the holders would be able to pass on their holdings to their successors. The system proposed was sure to lead to a great deal of confusion and litigation. Supposing this money was spent upon improving the condition of the land: the increased value derived from the expenditure of that money must belong to some one. It very often happened that in improving land the money spent by the present holder and his predecessors was worth more than the fee simple of the land itself. There would be the real practical value which had arisen from the money advanced by the State, and no one would know to whom it belonged. This proposal was only on a par with a great many other provisions in the Bill which must lead to endless confusion.

SIR F. BANBURY said he could not understand the argument of the right hon. Gentleman opposite. An hour ago he refused to accept an Amendment on the ground that the Land Court could not be trusted to do certain things. Either the Government must be of opinion that the Commissioners did not need any direction at all or else they must put proper directions in the Bill. It was necessary that in a new Act like this some guidance should be given to the Commissioners. The hon. Member for South Ayrshire had said that money might be given by way of gift to persons who were not flush of it. The object of the Amendment of his hon. friend was to provide for that. If they gave money to people who were not flush what was likely to occur? The money would not return interest immediately, because in these cases that meant a lot of hard work first. He wished to point out that if they put £50 into the pocket of a man who had not had any money for a long time he might possibly spend it, not in a whiskey factory, but in whiskey pure and simple. It would be much safer to make the gift in stock. The Secretary for Scotland had said that the Government were not going to make gifts where money was not required. He would remind the Lord Advocate that he could not act for the Commissioners, and unless they inserted this Amendment the matter would be entirely in their hands. Surely Scotland was part of England, where money was required more than in any other part, and once they gave money to a Scotsman they knew how difficult it was to get it back again.

Mr. YOUNGER asked if the hon. Baronet was entitled to state that Scotland was part of England.

Sir F. BANBURY apologised for the mistake, and said he meant Great Britain. Instead of gifts of money what was wanted was stock and implements which were necessary for the cultivation of the soil. It was not the money they required; they could not dig with a sovereign. They had been told that the second part of the Amendment was unnecessary because the intention of the words suggested was covered by the Crofters Act, and would be carried out. If that were so, why should not the words be inserted? If the Amendment was not inserted the Commissioners might be led into an error because they might not know that the Crofters Act applied. He thought he had shown that there were very good reasons for accepting the Amendment.

Mr. COCHRANE (Ayrshire, N.) said he quite agreed that if they set up these small holdings they must provide the equipment. But they must take care that the equipment was provided. The Bill provided that assistance might be provided by way of gift; was the gift to be made to the landlord or to the tenant? The Secretary for Scotland had said that money was only to be given where it was wanted. Who was going to decide at what point of solvency a small holder was in need of money? If he was insolvent, he would be a very unsuitable person to put into a holding at all. If the Commissioners were to decide, at what stage of solvency would they consider the small holder was a proper person to receive a gift of money? To give gifts of money was an easy way to please one's friends, but he held that more damage was done, more individuality ruined, and more self-effort prevented by making gifts of money than in any other way. Besides, a gift of money was not required in the present case. If the right hon. Gentleman would consult those engaged in the administration of the Congested Districts Board, he would find that a great deal of harm was done by indiscriminate gifts of money. A gift of money was not necessary under this Bill, because the Commissioners could give a man a loan to build houses, and they had power to make a gift of the necessary equipment in the way of fencing, draining, and otherwise. He asked the Secretary for Scotland to define the person to whom a gift was to be made. The gift must be to somebody. Was it to be to the landlord or the small holder? If it was to be to the landlord, let him say so. If it was to be to the tenant, was he to be entitled to borrow on the security of the improvements made by the expenditure of the money in the expectation that he would receive compensation at the end of his tenure? He thought that was a fair question.

Mr. SINCLAIR: It does not arise here.

Mr. COCHRANE said it arose very distinctly. If the gift was to be to the tenant to make improvements, was he at the end of the lease to be entitled to compensation from the landlord for the improvements made? It was obvious that, if improvements were made with money given as a gift to the tenant and if no compensation was to be paid at the end of the lease, it was a gift to the landlord to whom the land belonged.

This was a point that should be cleared up. There was no need for concealment of any kind. If the landlord was to compensate the tenant for the improvements, then what was proposed in the clause was a way of extracting a gift from the landlord. The hon. Member for South Ayrshire said he would not give a gift of money under any circumstances.

MR. BEALE said that what he suggested as the most practical way was to expend the money, probably under the supervision of the small holder.

MR. COCHRANE said his hon. friend showed his wisdom in making that suggestion. He wanted the small holdings to be properly equipped, and that the money given as a gift should be expended under the supervision of the small holder.

MR. BEALE: You make him paymaster.

MR. COCHRANE said he did not see why the small holder should be made paymaster. No one who had the interests of the tenants at heart could say that the provision in the Bill was a wise one. The right hon. Gentleman in Committee stated that the money was not to be a gift to the tenant, because it was to be laid out in the public interest. If it was to be laid out in the public interest, they should endeavour to have the holdings equipped in a proper manner, and they should call into their councils the landlords who knew something about the question. He hoped that by suitable provision, such as the Agricultural Commissioners would be able to make, the equipment would be proper and suitable to the holding, and that the character of the tenant would be such as to give their scheme some probability of success. He objected entirely to the pauperising effect of a scheme for giving people money out of the public Exchequer.

Question put.

The House divided:—Ayes, 41; Noes, 209. (Division List No. 336.)

AYES.

Acland-Hood,RtHn.SirAlex.F.
Balcarres, Lord
Banbury, Sir Frederick George
Barrie,H.T.(Londonderry,N.)
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Brotherton, Edward Allen
Bull, Sir William James
Cave, George
Cecil, Lord John P. Joicey-
Cochrane, Hon. Thos. H. A. E.
Corbett, A. Cameron (Glasgow)
Corbett, T. L. (Down, North)
Courthope, G. Loyd
Craik, Sir Henry
Fell, Arthur
Ferguson, R. C. Munro
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gordon, J.
Helmsley, Viscount
Hill,SirClement (Shrewsbury)
Lane-Fox, G. R.
Long,Rt.Hn.Walter(Dublin,S.)
Lowe, Sir Francis William
Magnus, Sir Philip
Mason, James F. (Windsor)
Middlemore,JohnThrogmorton
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Roberts,S.(Sheffield,Ecclesall)
Scott, Sir S. (Marylebone, W.)
Starkey, John R.
Staveley-Hill, Henry (Staff'sh.)
Stone, Sir Benjamin
Thomson,W.Mitchell-(Lanark)
Tuke, Sir John Batty
Valentia, Viscount
Wolff, Gustav Wilhelm

TELLERS FOR THE AYES—Mr. Abel Smith and Mr. Younger.

NOES.

Abraham, William (Rhondda)
Adkins, W. Ryland D.
Allen,A.Acland(Christchurch)
Ashton, Thomas Gair
Astbury, John Meir
Baker, Sir John (Portsmouth)
Balfour, Robert (Lanark)
Barlow, Percy (Bedford)
Barnes, G. N.
Barry,RedmondJ.(Tyrone,N.)
Beale, W. P.
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn,W.(T'w' rHamlets,S.Geo.
Berridge, T. H. D.
Bethell,SirJ.H.(Essex,Romf'rd
Bethell, T. R. (Essex, Maldon)
Black, Arthur W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brunner,J.F.L.(Lancs.,Leigh)
Burns, Rt. Hon. John
Burt, Rt. Hon. Thomas
Byles, William Pollard
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins,SirWm.J.(S.Pancras,W.
Corbett,C.H.(Sussex,E.Grinst'd
Cory, Clifford John
Cox, Harold
Cremer, Sir William Randal
Crooks, William
Crosfield, A. H.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dewar,SirJ.A.(Inverness-sh.)
Duncan, C. (Barrow-in-Furness

Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Findlay, Alexander
Fuller, John Michael F.
Fullerton, Hugh
Gill, A. H.
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Hardy, George A. (Suffolk)
Harmsworth,CecilB.(Worc'r)
Harmsworth,R.L.(Caithn'ss-sh
Harvey,W.E.(Derbyshire,N.E.
Haslam, Lewis (Monmouth)
Hazleton, Richard
Hedges, A. Paget
Helme, Norval Watson
Henderson,Arthur (Durham)
Henderson,J.M.(Aberdeen,W.)
Henry, Charles S.
Herbert,T.Arnold (Wycombe)
Hobart, Sir Robert
Hodge, John
Holden, E. Hopkinson
Horniman, Emslie John
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Jacoby, Sir James Alfred
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones,SirD.Brynmor (Swansea)
Jones, Leif (Appleby)
Jones,William (Carnarvonshire
Jowett, F. W.
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamb, Edmund G.(Leominster
Lamont, Norman
Lever,A.Levy(Essex,Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Macdonald, J. R. (Leicester)
Macdonald,J.M.(Falkirk B'ghs)
MacVeagh,Jeremiah (Down, S.)
MacVeigh,Charles(Donegal,E.)
M'Callum, John M.
M'Crae, George
M'Kenna,Rt.Hon. Reginald
M'Laren, H. D. (Stafford, W.)
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield,H.Rendall(Lincoln)
Marks,G.Croydon (Launceston)
Marnham, F. J.
Massie, J.
Masterman, C. F. G.
Micklem, Nathaniel
Molteno, Percy Alport
Morton, Alpheus Cleophas
Murphy, John (Kerry, East)
Murray, James
Myer, Horatio
Napier, T. B.
Newnes, Sir George (Swansea)
Nicholls, George
Nicholson,CharlesN.(Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
O'Donnell, C. J. (Walworth)
O'Kelly,James(Roscommon,N.
Partington, Oswald
Pearce, Robert (Staffs., Leek)
Pearce, William (Limehouse)
Pickersgill, Edward Hare
Price,C.E.(Edinb'gh,Central)
Priestley,W.E.B. (Bradford,E.)
Radford, G. H.
Raphael, Herbert H.
Rea, Walter Russell (Scarboro'
Rees, J. D.
Richards,T.F.(Wolverhampton
Richardson, A.
Rickett, J. Compton
Ridsdale, E. A.
Robertson,SirG.Scott(Bradford
Robinson, S.
Rogers, F. E. Newman
Rowlands, J.
Russell, T. W.
Samuel, HerbertL.(Cleveland)
Samuel, S. M. (Whitechapel)
Scott,A.H.(Ashton under Lyne
Sears, J. E.
Seddon, J.
Shackleton, David James
Shaw, Rt. Hon. T.(HawickB.,
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley,Hn.A.Lyulph(Chesh.)
Steadman, W. C.
Stewart, Halley (Greenock)
Straus, B. S. (Mile End)
Sutherland, J. E.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Taylor,TheodoreC.(Radcliffe)
Thomas,SirA.(Glamorgan,E.)
Thompson,J.W.H.(Somerset,E,
Tillett, Louis John
Tomkinson, James
Torrance, Sir A. M.
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Ward, John (Stoke upon Trent
Wardle, George J.
Waring, Walter
Wason,JohnCathcart(Orkney)
Waterlow, D. S.
Watt, Henry A.
Wedgwood, Josiah C.
Weir, James Galloway
White, George (Norfolk)
White, J. D. (Dumbartonshire)
White, Luke (York, E.R.)
White, Patrick (Meath, North)
Whitley,JohnHenry(Halifax)
Williams,Llewelyn(Carmarth'n
Wills, Arthur Walters
Wilson, Henry J.(York, W.R.)
Wilson, John (Durham, Mid)
Wilson, J. H. (Middlesbrough)
Wilson, J. W. (Worcestersh.N.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.
Wood, T. M'Kinnon
Yoxall, James Henry

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

SIR F. BANBURY moved an Amendment to the provision that where a tenant's land is taken for new holdings compensation shall be paid for injury "in respect of the land forming part or the whole of his tenancy." The Amendment provided that the clause should read "in respect of the land to be occupied by a new holder, or new holders, or of any farm, including the farm buildings, of which such land forms part or the whole." He said he was always willing to learn, and in the Committee he noticed that this Amendment was down in the name of the hon. Member for Inverness-shire, but unfortunately that hon. Gentleman was unable to move it because the Secretary for Scotland had applied the closure. The Amendment seemed so good to him that he had put it down on the Paper in his own name in the hope that it would not be treated in the same way as it had been upstairs. It was an extremely important Amendment, and its object was very clear. Under the Bill as it stood the land in the occupation of a tenant, or a part of it, might be taken from him and divided into small holdings. It might be that it was necessary to dispossess an existing tenant in order to secure a public benefit, but it was an entirely new procedure in the history of the country that anything of the sort should be done unless compensation were given to the existing tenant for any loss that he sustained. Supposing that a tenant had 300 acres of land, and 100 of those acres were taken from him to create small holdings, it was not likely that the worst land would be taken. In all probability it would be the best land, leaving to the existing tenant 200 acres of the worst land. Then the buildings necessary for a 300 acre farm would be too large, and would involve proportionately increased expense for repairs. The Bill provided that compensation should be paid for damage or injury done to any tenant in respect of the land forming part or the whole of his tenancy, but nothing was said as to compensation being paid for damage being done to the farm buildings. He presumed that his Amendment would meet with some sympathy from the Solicitor-General for Scotland. He did not believe himself that it went further than the intention of the Secretary for Scotland, but it made the matter more clear. If that were so, he was sure he would have the support of everyone who desired that the Bill should be a success. He did not think that the Solicitor-General for Scotland believed that the Amendment was in any way intended to injure or kill the Bill.

Mr. URE: No.

Sir F. BANBURY said he was glad to hear the hon. and learned Gentleman say "No." His object was to prevent soreness arising between people. The Bill provided that the landlord should be compensated, but not the sitting tenant, and nothing could be worse than that. It was desirable that people who in the future were to live on these small holdings should be friends. Everybody knew that much could be done by them to help each other in the way of lending a horse or an implement for a particular job; but that would not be the case unless there was a friendly feeling between neighbouring farmers. If the sitting tenant found that he was left out of compensation for damage done to his tenancy he would not look with favour on the new holder. but would regard him as an interloper. In his Amendment he had taken a simple and practical view of the question, and he repeated that it would not interfere with the principle of the Bill; and under these circumstances he sincerely hoped that the Solicitor-General would accept the Amendment, or give very clear reasons—and no one was better capable of doing that—for not doing so.

Viscount HELMSLEY (Yorkshire, N.R., Thirsk) seconded the Amendment and said he hoped the Government would accept it. They had no means of knowing what the opinion of the Government on this matter was, because the clause was not discussed in Committee. It was one of the many clauses of the Bill that were carried through, without any discussion, by means of the closure. He did not think it would be denied by those who were acquainted with agriculture that if any compensation was to be paid it should be paid to the tenant, because if land was taken away from his farm he had left on his hands buildings which were too large for the remaining acreage. Therefore to take away some of his land and leave him with buildings which were not required without giving the tenant compensation was a great injustice. It might be said that the compensation should be paid to the landlord, but his hon. friend did not take up that view, and neither did he, because it must be remembered that during the time for which his lease ran the tenant kept the farm on and would have to incur the cost of maintaining the buildings. Therefore the injury in the first instance would be done to the tenant and not to the landlord, and the compensation should be given to the tenant. Farm buildings were provided to meet the requirements of the acreage of the farm, and if the acreage of a farm was diminished by carving small holdings out of it, buildings which were practically useless to him would be left on the hands of the tenant. Therefore, if the Government did not see their way to accept the Amendment there would be a considerable gap in the scheme of compensation they contemplated. He could hardly believe that the Government could wish to bring into existence this class of small holder under such circumstances that an antagonism would exist between him and his neighbour. His hon. friend had pointed out how necessary it was that farmers in the same neighbourhood should be on friendly terms, and undoubtedly he was correct in what he had stated. There were many cases in which large farmers had to ask their neighbours who were small farmers to help them with their work, and he had known cases in which, a small farmer having sustained the loss of a cow or a horse through accident, a book was sent round and the friends and neighbours put their hands into their pockets to assist the small farmer who had sustained the loss. If the small holder was going to be started under circumstances which left a rankling feeling in the mind of the larger farmer he did not think that it would be to the advantage of the former. If the tenant did not receive the fullest compensation a great injustice would be committed which would certainly not conduce to the success of the Bill.

Amendment proposed to the Bill—

"In page 7, lines 34 and 35, to leave out the words 'to any tenant in respect of the land forming part or the whole of his tenancy,' and to insert the words 'in respect of the land to be occupied by a new holder, or new holders, or of any farm, including the farm buildings, of which such land forms part or the whole.'"—(*Sir F. Banbury.*)

Question proposed, "That the words 'to any tenant in respect of' stand part of the Bill."

Mr. URE said that although the Government did not propose to accept the Amendment he agreed it was not destructive of the Bill, and they had every desire to give effect to the views put forward by the mover and seconder. It was the desire of the Government that the tenant farmer should have compensation for injury done to him by carving a small holding out of his farm. The terms of the Amendment, however, would confine the Agricultural Commissioners' award to damages for land and buildings. Accordingly the Government had placed on the Paper an Amendment providing that compensation should be paid to the tenant farmer for all injury done to his tenancy by the taking of land. This would give the Commissioners a freer hand.

Mr. COURTHOPE (Sussex, Rye) thought the Solicitor-General for Scotland had shown some reason which should induce his hon. friend to consider the desirability of pressing this Amendment. At the same time he said he did not quite understand the expression "in respect of the land forming part."

Mr. URE said that the words "in respect of the land forming part" were well-known words in Scottish law, and the Government proposal would really cover every kind of damage.

Sir F. BANBURY said it might be that he was ignorant, but the words "in respect of the land forming part" hardly seemed to him to be English, but according to the right hon. Gentleman it appeared to be Scottish, but if the Amendment of the Government really carried out the meaning of his Amendment he would be willing to accept it. He would withdraw his Amendment.

Amendment, by leave, withdrawn.

Amendment proposed to the Bill—

"In page 7, lines 34 and 35, to leave out the words 'of the land forming,' and insert the words 'that the land forms.'"—(*Mr. Ure.*)

Amendment agreed to.

Mr. MITCHELL-THOMSON moved the addition of words providing that "when new holdings are constituted otherwise than by agreement, the landlord shall be entitled to receive from the Agricultural Commissioners the rent due in respect of the land so taken in the event of the landholder becoming bankrupt or being otherwise unable to pay such rent." He said that he put this Amendment on the Paper because the point with which it dealt had only been partially covered by the new clause which the Government accepted on the previous day. That new clause safeguarded the landlord where the value of the improvements and the out-growing crop was sufficient compensation for the rent due to him, but it was possible that there might be cases where the value of the improvements and of the out-growing crops was not sufficient to safeguard the landlord, and he thought it would be necessary for the Government to accept these words, or some such form of words, to meet that contingency. He begged to move.

SIR HENRY CRAIK said he was glad to second this Amendment. It was only carrying out more completely the Amendment which the right hon. Gentleman had been good enough to accept from him on the previous day. In that case the landlord was entitled to set off against the payments he was bound to make under the Bill for improvements the rent due to him, but supposing no rent was due it was obviously unjust and hard that the landlord should lose all right of compensation in case of the landholder becoming bankrupt.

Amendment proposed to the Bill—

"In page 7, line 36, after the word 'agreed,' to insert the words 'and when new holdings are constituted otherwise than by agreement the landlord shall be entitled to receive from the Agricultural Commissioners the rent due in respect of the land so taken in the event of the landholder or landholders becoming bankrupt or being otherwise unable to pay such rent.'"—(*Mr. Mitchell-Thomson.*)

Question proposed, "That those words be there inserted in the Bill."

MR. URE said the hon. Member was quite right, the new clause accepted yesterday did not entirely cover the position: there might be cases where the compensation was less than the rent due. But the Government could not accept the Amendment, because it would make the Agricultural Commissioners guarantors of the landlord's rent. Under the Prime Minister's clause the landlord got full compensation in respect that the holding became vacant on account of the bankruptcy of the tenant, but the Government declined to make themselves guarantors for the landlord's rent indefinitely.

SIR F. BANBURY said the hon. and learned Gentleman seemed to be under a misapprehension. There was no question of the Agricultural Commissioners becoming guarantors of rent indefinitely. All the Amendment said was that "in the event of the tenant becoming bankrupt or being otherwise unable to pay such rent." He did not know whether the latter words were those to which the hon. and learned Gentleman objected. If they were he suggested that his hon. friend should leave the Amendment at the word "bankrupt." He maintained that the Amendment would do exactly what Clause 16 would do as interpreted by the hon. and learned Gentleman, and that it was a better form of words, because under the clause litigation would be necessary, while under the Amendment there could be no litigation. If the hon. and learned Gentleman wished to make the Bill a success it was necessary to diminish as much as possible the chances of litigation. The great difficulty in this case was that there were complications which arose which necessitated a man's either going to the Land Court or consulting a solicitor. He could do nothing for himself and his self-reliance was destroyed. The backbone of Scotsmen in the past had been their self-reliance, and that was now being destroyed, because the Bill would not allow them to make their own terms, but insisted on every occasion on sending them to the Land Court or some other tribunal. He hoped that in the interests of simplicity the hon. and learned Gentleman would reconsider his decision and accept the Amendment.

VISCOUNT HELMSLEY pointed out that Clause 16 provided that compensation should be paid by the Agricultural Commissioners to the landlord in respect of any loss arising out of the termination of a tenancy under certain circumstances. But where the loss arose not out of the termination of the tenancy, but out of the bankruptcy of the tenant, it seemed to him to present a very different state of affairs. The clause further said that any damage or injury done to the landlord by the constitution or enlargement of a holding through depreciation of the letting value of the land was to be the subject of compensation. That was known as the Prime Minister's clause, and he submitted that the case contemplated by his hon. friend was not in the least met by it. He did not think that anybody, not even a lawyer, would maintain that the clause would wholly cover all cases where the tenant had gone bankrupt. After all, the Solicitor-General seemed to look upon it as a fearful thing that the Agricultural Commissioners should be called upon to guarantee the financial stability of their own tenant. They foisted the tenant upon the landlord irrespective of whether he wanted him or not, and regardless of whether or not the land was suitable to the purposes of a small holding in the opinion of the landowner; and he submitted, therefore, if the Commissioners in their wisdom were so sure that the tenant would be successful, why should they not give this guarantee as to his financial stability? It seemed to him monstrous to foist on the landlord a tenant who might have nothing behind him, or who might not have sufficient intelligence to farm successfully, and then, if the tenant went bankrupt, to allow the loss to fall entirely on the landlord, who had had nothing to do with the matter. Another reason why the Commissioners should give this guarantee was that, if landlords knew that they were safe, they would be encouraged to be more liberal than they otherwise would be in giving credit during bad seasons. Everyone knew that it was a matter of great utility to the tenant if the landlord gave liberal credit, especially where the crops were bad and where the tenant had difficulty in making both ends meet; and the landlord would be prepared to give this credit if he had some guarantee that he would not be subject to loss if the tenant became bankrupt. Therefore, it would be a very good thing to accept the Amendment, and he thought that if the Government were anxious to carry out the pledge given by the Prime Minister in the spirit in which it was given—which after all, he thought was a good deal more liberal than the words by which it was proposed to carry it out—they could not do otherwise than reconsider the attitude which they had adopted on this subject.

Viscount Helmsley.

Mr. URE said the hon. Baronet the Member for the City of London had stated that he had used the word "indefinitely" when he addressed the House. He would explain what he meant. The tenant was often in arrear with his rent one or two years, but the landlord did not seek to press the technical condition and make the tenancy forfeit. The landlord might, if he chose, continue with the tenant in arrears for an indefinite series of years without pressing him for payment of his rent. Supposing that the landlord did take that course, that the rent went on accumulating from year to year for a period of five, six, or seven years or more, that then the landlord came to the conclusion that he had gone far enough and he then removed the tenant and there was forfeiture, in such circumstances, if this Amendment were carried, the Commissioners would have to pay five, six, seven, or eight years arrears of rent, though practically they had not had any part in allowing the tenant to remain in arrear for so long a period. They had never been consulted about it, though it must have appeared quite obvious to the landlord that the man could never pay his rent. That would be landing the Commissioners into what he called an indefinite obligation. It might be reasonable to say that the Commissioners should pay one year or two years arrears, but that was provided for under Clause 16, on which he would suggest it would be proper to consider an Amendment. But the phrase used in the Amendment would be most inappropriate to be inserted at this part of the Bill, because they were dealing with the injury done to the tenant. In Clause 16 they dealt with eventualities, but in this clause they were dealing exclusively with what happened at the time the new holding was made.

Mr. WALTER LONG said he fully appreciated the force of the hon. and learned Gentleman's argument, and it was interesting to observe as they went further into these debates not only how closely they got into analogy with Irish land legislation, but with what extraordinary accuracy incident after incident occurred, which showed that in the trail of the unfortunate policy of the

Government followed the same difficulties that had been experienced in Ireland. He agreed with the Solicitor-General that they could not in justice call upon the Commissioners to pay out of public money large sums for arrears, but he wished to say what a comment that was on the policy of the Government; for they must remember what were the circumstances to which the hon. and learned Gentleman himself had referred. They had the case of a landlord who, believing in his tenant as a man who would struggle through in time, but who might be submerged by the acts of others who were creditors, brought forward his claim for arrears of rent, and so stood between the man and his creditors; he saved the tenant from ruin by coming between him and the ordinary creditors, by thus making his claim for arrears.

MR. URE: The tenant under this Bill cannot borrow.

MR. WALTER LONG: No, the tenant could not borrow, but he had understood the hon. and learned Gentleman to refer to cases where the landlord had allowed the tenant to get into arrears with his rent, and which arrears would be in existence when the new system was put in force by this Bill; that was to say, that when this Bill was put into operation the Commissioners would become responsible for what the tenant owed to the landlord.

MR. URE said that under this Bill the Land Court was not bound to consider arrears accumulated prior to the Act.

MR. WALTER LONG said the hon. and learned Gentleman had not quite appreciated the fact that they agreed with him that they could not put on the Commissioners the liability for accumulated arrears; but at the same time the result, undesirable in itself, was the inevitable consequence of the policy of the Government in stepping in between the tenant and his landlord and assuming responsibility which had hitherto belonged to the landlord. He would suggest, at all events, that the Government might impose a limitation of a year or two; he thought it would be a fair compromise if the Commissioners were liable for two years arrears of rent. But what was the second objection of the hon. and learned Gentleman? It was that the Amendment was proposed to be inserted in the wrong part of the Bill. He was very glad that the Solicitor-General had made that objection when they were favoured with the presence of the Prime Minister. He entirely admitted that this was an objection which could be urged against not only the present Amendment but against many others. But what other course could they adopt? The Solicitor-General told them that the proper place for the Amendment was Clause 16. He admitted that in all probability from the artistic point of view, and probably from the business point of view, the Solicitor-General was right. But if the Amendment were not moved now it might not be possible to move it at all, because, under the guillotine, the proper place in the Bill might not be reached. If the Government would accept two years liability, that would be a reasonable compromise. Was it fair to disregard the debt which a generous landlord had allowed an embarrassed tenant to incur? Surely that was not what was ordinarily meant by the word "justice."

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs) said that the Solicitor-General had pointed out that this question ought to be discussed on Clause 16. The right hon. Gentleman replied that Clause 16 might never be reached, and cited him as the sort of arch-fiend in this dispensation. It so happened that Clause 16 was the first clause to be taken at to-morrow's sitting. So that the right hon. Gentleman's instance of the evil effects of the guillotine was not altogether happy. Nor could he carry his complaint very far. Yesterday the House was told that Clause 3 was the most important clause in the whole Bill, and that fearful results would ensue if it were not discussed. Yet the right hon. Gentleman and his friends, with some difficulty, kept up a discussion on comparatively immaterial Amendments to the first clause and so prevented the discussion of Clause 3. [OPPOSITION cries of "No."]

Mr. COURTHOPE (Sussex, Rye) urged the right hon. Gentleman to consider whether it was wise to deprive the landlord of the prerogative of mercy. Everybody who had been connected with the land knew what an enormous number of tenants had been saved from temporary embarrassment by the credit allowed them by the landlord. Not only was direct credit allowed the tenants by the landlord in the matter of arrears of rent, but the local tradesmen—the manure merchants and the seedsmen—would almost invariably allow the tenant credit too. It would be a very great hindrance to the operation of the Bill if that prerogative of mercy were entirely done away with. Some limited guarantee of rent should be given by the Commissioners, and he hoped the right hon. and learned Gentleman would consider this suggestion. When it was said that the Commissioners had no voice in this prerogative of mercy shown by the landlord to the tenant he would like to remind the House that the landlord had no voice in the selection of the tenants, and was not able to make any inquiries about them. He thought this was a matter upon which some compromise might very well be arrived at.

Mr. MITCHELL-THOMSON said he was in a difficulty as to what he ought to do under the circumstances, because the Solicitor-General had argued this Amendment on its merits and the Prime Minister had suggested that it should come in upon another clause in a different portion of the Bill. He pressed the acceptance of the Amendment upon its merits. If he could be assured that the Amendment would receive some consideration he would be perfectly prepared to move it to-morrow. Upon that understanding he begged leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

Mr. WALTER LONG moved to amend the clause by providing for the "compulsory purchase" of such land as the Agricultural Commissioners required for the constitution of new holdings in cases where the landlord refused to negotiate or to come to an agreement. He did not think that he had ever before moved anything containing the words "compulsory purchase." The explanation, however, was quite simple, because in this case it was a choice of evils. The policy of the Government was one of perpetual tenancy and hiring, and he thought that was a mistake. The only way a man could be made to take a real interest in his holding was by making him its actual owner. They had heard a great many speeches, not only on the English but on the Scottish Bill, in which this view had been put forward. The suggestion of the Government was that this should now be done by security of tenure, to achieve which they were giving some of the conditions of ownership without the responsibilities. He did not believe in that, and there were many people on both sides of the House who did not believe in it. It was because he believed that compulsory purchase was better than compulsory hiring that this extraordinary Amendment appeared in his name. It recognised that there must be some compulsion, and he did not think it could be denied that it was in accordance with the general principle of the Bill. He admitted that the Government were entitled to their own view, and that they might not be able to accept this particular Amendment, but he would suggest that they should introduce some words to meet the point he had raised. The Government said that they were giving security of tenure to the tenant, but he believed they were going further than that. He believed they were shutting the door on purchase in future, and that was the greatest mistake they could possibly make. The House had been told repeatedly that the Government had the experience of the Crofters Act, but he would remind them that in legislation of this kind the experience of one generation was absolutely unreliable. Before real experience of land tenure could be obtained in this country, they must get into the second generation, to the time when land had passed from the first tenant under the Act to his successor. It was well known that in the early days of the Irish land legislation there was every reason to believe that it would be entirely successful, but it developed defects of its own. They knew now that there was in Ireland a system of land purchase which was to cost £120,000,000, besides all the money which had been voted under preceding Acts. Now the Government were going to add to these financial risks in future, because they were making purchase difficult. He believed the only solution of the question was to make men the absolute owners of their holdings for the time being, so that they could devise to whom they thought right as their successors. He believed that was the only system by which to make the land system of this country successful. He did not expect the Government to accept the Amendment, but he hoped they would be willing to say something even at the eleventh hour in regard to the policy of purchase which, as expressed in the Amendment, would vastly improve the prospects of the Bill.

Amendment proposed to the Bill—

"In page 8, line 6, after the word 'for' to insert the words 'the compulsory purchase of such land or part thereof as is necessary for.'"—(*Mr. Walter Long.*)

Question proposed, "That those words be there inserted in the Bill."

MR. URE said the right hon. Gentleman must have forgotten that more than a quarter of a century had passed since Parliament decreed that every owner of land in this country, when the public interest demanded it, was compelled to part with that portion of his land which perhaps he most desired to keep to a person whom he possibly loathed, subject to conditions laid down by Act of Parliament. The right hon. Gentleman quite rightly did not expect the Government to accept this Amendment. The Government had, rightly or wrongly, chosen their path. They had, rightly or wrongly, rightly as they thought, deliberately rejected the policy of purchase and adopted the policy of hiring. They believed it was the better. The right hon. Gentleman had said they had no precedent for compulsory hiring. He thought there was in a region of which the right hon. Gentleman had not thought —the region of patents and invention. If a patentee chose to refuse to give a licence for the use of his patent, he could be compelled to give a licence—that was to say, to hire out his patent. He could be compelled not only to hire, but to hire on terms which were fixed for him by an outside authority. The Government believed their Bill would effect an economic and social revolution in Scotland, and whenever they had a great social revolution the less change they made in the habits and customs of the people, and in the existing system, the better security they would have for stability of tenure and the safety of the change. The Government had also had in view the amount of money required. Everybody knew that purchase required three times the amount of money that was required for hiring. Having all these considerations in view, and having before them the example of the Crofters Act, which they believed to be an unqualified success, they felt assured that the course they had chosen was the safe course, and the one best calculated to promote agricultural prosperity in Scotland.

MR. A. J. BALFOUR said he had listened with interest, as he always did, to the speech of the hon. and learned Gentleman, but also with some surprise to the reason which he had given why the Government had adopted a system of compulsory hiring instead of compulsory purchase, and why they regarded it as a Conservative measure. It embodied a smaller change, said the learned Gentleman, in the existing system; the Government desired to pose as moderate revolutionists, and they thought it would be more moderate to have compulsory hiring than compulsory purchase. He did not deny that the Government were revolutionists, but he was inclined to deny that the particular kind of amateur revolution they proposed to carry out would be placed on a more stable foundation by that means. The hon. and learned Gentleman had said "we are assured," "we have come to the conclusion," "we have shown," "we have considered the case," "we are confident," and so forth. Who were "we"? Not the occupants of the Treasury Bench, but the Scottish Office. From other Members of the Government, among them the Chief Secretary for Ireland, the House had heard the strongest doctrines in favour of purchase as against hiring. The hon.

and learned Gentleman was not in the House when the Chief Secretary for Ireland made the speech to which he referred. The Chief Secretary was always expressing an earnest and anxious hope that land purchase in Ireland could be made to work more quickly and successfully than now. What was the difference between the conditions of Ireland and Scotland in this matter? It might be the opinion of the Scottish Office that all the advantages to be got from ownership could be got one-third more cheaply from hiring, but it was not the opinion of the Irish Office, nor of any Government in Europe, and it was preposterous to lay it down as a canon of policy. The hon. and learned Gentleman had ignored some of the fundamental instincts of human nature. If they were to presuppose this affectionate interest in a particular plot of land, they could depend upon it that that interest carried with it a desire to see that the land should go to successors. There were certain advantages to be derived from ownership and certain advantages to be derived from tenancy and labour wholly divorced from ownership, but the plan of the Government was so contrived as to get the full advantage from neither. In England, while a farm servant might be born, and live, and die in the same village, in Scotland he moved about under his yearly agreement from one farm to another. This migration had its advantages. But the Government were going to bind people to the holding without giving them the inducement to cultivate the holding to the best advantage, which could only be got by ownership. Under this ambiguous tenure, which was the tenure neither of freeholder nor of occupier, they would lose the advantages of either system. That was the advantage of ownership, but when it came to a question of hiring they did not get it nor the advantage of the more flexible system which at present prevailed in Scotland. The Government were not going to encourage the people to cultivate a holding with that loving care which they could only get through a system of ownership, but they were going to bind them to the holding without giving them the inducement to cultivate it to the best advantage. The Government never answered any argument nor brought the smallest analogy from any other country in favour of their system. They always based themselves upon the Crofters Act, with its 30,000 holders separated from the rest of the country by climatic conditions, and, in contradiction to their own experience in Ireland, in contradiction to what took place in Prussia when the land system was transformed, or in Denmark, and in defiance of all that had happened in France, they insisted that this petty experiment, carried on in a small corner of these islands, should be applied to a great area wholly different from it in every condition. No other country, old or new, had been idiotic enough to apply this foolish system which it had occurred to the Scottish Office to adopt. These considerations should give pause to every serious man who considered the magnitude of the problem with which these gentlemen were dabbling and playing, and give them ground to think that the universal experience of mankind was not to be put aside because the Secretary for Scotland happened to be pleased with a system of land legislation which had been applied to 30,000 holders of land in the extreme north and west of Scotland. For these reasons he pressed the House to adopt the Amendment.

Mr. MOLTENO (Dumfriesshire) said the right hon. Gentleman had observed that there was no state in Europe which had ever attempted anything of this character, but he had named one where the success of it had been conspicuous throughout the world, and that was Denmark. Had he studied the latest Report of the Board of Trade made by Major Craigie on the land tenure system of Denmark? What did that Report say about Denmark? It said—

> "An investigation into this subject makes it clear that while there has been a transfer of a large proportion of the agricultural land in Denmark from the hands of the larger landlords to those of the occupying tenants or yeomen, the movement is not a recent feature coincident with the later agricultural development, but one which had its origin in a series of enactments in the latter half of the eighteenth century. The great bulk of the country at that time was held under the old form of estate known as 'Soedegaard,' divided by law into two distinct categories, (1) the 'Hovedgaard,' or demesne and (2) the 'Bondergaarde,' or farms let to tenants. The

law differentiated between those two species of property, and the proprietary rights of the landlord over the tenanted lands were so arranged as to give the occupiers a claim to continue on the soil so long as they complied with certain conditions of tenure fixed, not by the landlord, but by the State."

It was on that system the principle of this Bill was based.

MR. A. J. BALFOUR admitted that he had not the Report in his mind, but he understood that most people attributed the prosperity of Denmark to the multitude of small owners which it contained.

*MR. MOLTENO said that they were preparing for that small ownership by this enactment.

MR. A. J. BALFOUR asked if they were to understand that this Bill was merely a preparation for small ownership.

*MR. MOLTENO said his object was to show that the system in Denmark was not suddenly carried out by a system of ownership, but that it had sprung up gradually under a system of that kind now proposed. As to the question of ownership it did not concern the Government to make one person rather than another the absolute owner of the land, but to secure that those who occupied the land had full security for their energy, enterprise and capital.

Question put.

The House divided:—Ayes, 80; Noes, 269. (Division List No. 387.)

AYES.

Anstruther-Gray, Major
Ashley, W. W.
Balcarres, Lord
Balfour, Rt Hn. A. J. (City Lond.
Banbury, Sir Frederick Georg)
Barrie, H. T. (Londonderry, N)
Beach, Hn. Michael Hugh Hicks
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Brotherton, Edward Allen
Bull, Sir William James
Butcher, Samuel Henry
Campbell, Rt. Hon. J. H. M.
Castlereagh, Viscount
Cave, George
Cavendish, Rt. Hon. Victor C. W
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Cochrane, Hon. Thos. H. A. E.
Corbett, A. Cameron (Glasgow
Corbett, T. L. (Down, North)
Courthope, G. Loyd
Craik, Sir Henry
Doughty, Sir George
Douglas, Rt. Hon. A. Akers-
Faber, George Denison (York)
Faber, Capt. W. V. (Hants, W.)
Fell, Arthur
Ferguson, R. C. Munro
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Harris, Frederick Leverton
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hornby, Sir William Henry
Hunt, Rowland
Kimber, Sir Henry
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Law, Andrew Bonar (Dulwich)
Long, Rt. Hn. Walter (Dublin, S.)
Lonsdale, John Brownlee
Lowe, Sir Francis William
Lyttelton, Rt. Hon. Alfred
Magnus, Sir Philip
Mason, James F. (Windsor)
Meysey-Thompson, E. C.
Mildmay, Francis Bingham
Moore, William
Parker, Sir Gilbert (Gravesend)
Parkes, Ebenezer
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson, John Frederick Peel
Roberts, S. (Sheffield, Ecclesall)
Rutherford, John (Lancashire)
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Sheffield, Sir Berkeley George D.
Smith, Abel H. (Hertford, East)
Starkey, John R.
Staveley-Hill, Henry (Staff'sh.
Stone, Sir Benjamin
Talbot, Lord E. (Chichester)
Thomson, W. Mitchell- (Lanark)
Tuke, Sir John Batty
Walker, Col. W. H. (Lancashire)
Willoughby de Eresby, Lord
Wolff, Gustav Wilhelm
Wyndham, Rt. Hon. George
Younger, George

TELLERS FOR THE AYES—Sir Alexander Acland-Hood and Viscount Valentia.

NOES.

Abraham, William (Rhondda)
Adkins, W. Ryland D.
Alden, Percy
Allen, A. Acland (Christchurch)
Ashton, Thomas Gair
Asquith, Rt. Hn. Herbert Henry
Astbury, John Meir
Baker, Sir John (Portsmouth)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barlow, Percy (Bedford)
Barnes, G. N.
Barran, Rowland Hirst
Barry, Redmond J. (Tyrone, N.
Beale, W. P.
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn, W. (T'w'r Hamlets, S. Geo.
Berridge, T. H. D.
Bethell, Sir J. H. (Essex Romf'rd
Bethell, T. R. (Essex, Maldon)
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Bright, J. A.
Brunner, J. F. L. (Lancs., Leigh)
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Burt, Rt. Hon. Thomas
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt. Hn Richard Knight
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.

Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins,SirWm.J.(S.Pancras,W.
Cooper, G. J.
Corbett,C.H.(Sussex,E.Grinst'd
Cornwall, Sir Edwin A.
Cory, Clifford John
Cowan, W. H.
Cox, Harold
Craig,Herbert J.(Tynemouth)
Cremer, Sir William Randal
Crooks, William
Crosfield, A. H.
Curran, Peter Francis
Dalziel, James Henry
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Dewar,Arthur (Edinburgh, S.)
Dewar, Sir J. A. (Inverness-sh.
Dickinson, W.H.(St.Pancras,N.
Dickson-Poynder, Sir John P.
Dilke, Rt. Hon. Sir Charles
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Dunne,MajorE.Martin(Walsall
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Fiennes, Hon. Eustace
Findlay, Alexander
Foster, Rt. Hon. Sir Walter
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Furness, Sir Christopher
Gibb, James (Harrow)
Gill, A. H.
Gladstone,Rt.HnHerbert John
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Gulland, John W.
Gurdon,RtHn SirW.Brampton
Haldane, Rt. Hon. Richard B.
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harmsworth,R.L (Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey,W.E.(Derbyshire, N.E.
Harwood, George
Haslam, Lewis (Monmouth)
Hazleton, Richard
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson,J.M.(Aberdeen, W.)
Henry, Charles S.
Herbert, T. Arnold (Wycombe)
Hobart, Sir Robert
Hodge, John
Holden, E. Hopkinson
Hope, John Deans (Fife, West)
Horniman, Emslie John
Hudson, Walter
Hyde, Clarendon
Illingworth, Percy H.
Isaacs, Rufus Daniel
Jacoby, Sir James Alfred
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones,Sir D.Brynmor(Swansea
Jones, Leif (Appleby)
Jones,William (Carnarvonshire
Jowett, F. W.
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb,Edmund G. (Leominster
Leese,Sir JosephF.(Accrington
Lever, A. Levy (Essex,Harwich
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Macdonald, J. R. (Leicester)
Macdonald,J.M. (Falkirk B'ghs
Macnamara, Dr. Thomas J.
Macpherson, J. T.
MacVeagh, Jeremiah (Down, S.
MacVeigh,Charles(Donegal, E.)
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks,G.Croydon (Launceston
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Montagu, E. S.
Montgomery, H. G.
Morgan, G. Hay (Cornwall)
Morgan, J. Lloyd (Carmarthen)
Morrell, Philip
Morton, Alpheus Cleophas
Murphy, John (Kerry, East)
Murray, James
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts, Basetlaw)
Newnes, Sir George (Swansea)
Nicholls, George
Nicholson,Charles N.(Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
O'Donnell, C. J. (Walworth)
O'Grady, J.
O'Kelly,James(Roscommon, N
Partington, Oswald
Pearce, Robert (Staffs. Leek)
Pearce, William (Limehouse)
Philipps, Owen C. (Pembroke)
Pickersgill, Edward Hare
Pollard, Dr.
Price, C. E. (Edinb'gh, Central)
Priestley,W.E.B.(Bradford, E.)
Radford, G. H.
Rainy, A. Rolland
Raphael, Herbert H.
Rea, Walter Russell (Scarboro'
Rees, J. D.
Richards,T. F.(Wolverh'mpt'n
Richardson, A.
Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Robertson,SirG. Scott(Bradf'rd
Robinson, S.
Roe, Sir Thomas
Rogers, F. E. Newman
Rose, Charles Day
Rowlands, J.
Russell, T. W.
Samuel, Herbert L.(Cleveland)
Samuel, S. M. (Whitechapel)
Scott,A.H.(Ashton under Lyne
Sears, J. E.
Seddon, J.
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick B)
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley,Hn.A.Lyulph (Chesh.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Sutherland, J. E.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thomas,Sir A.(Glamorgan, E.)
Thompson,J.W.H.(Somerset E
Tomkinson, James
Torrance, Sir A. M.
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walters, John Tudor
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent)
Wardle, George J.
Wason, John Cathcart(Orkney
Waterlow, D. S.
Watt, Henry A.
Wedgwood, Josiah C.
Weir, James Galloway
White, George (Norfolk)
White, J. D. (Dumbartonshire)
White, Luke (York, E. R.)
White, Patrick (Meath, North)
Whitley,John Henry (Halifax)
Williams,Llewelyn (Carmarthn
Wills, Arthur Walters
Wilson, Hon. C.H.W.(Hull,W.
Wilson, HenryJ. (York, W.R.)

Wilson, John (Durham, Mid.)
Wilson, J. H. (Middlesbrough)
Wilson, J. W. (Worcestersh,N)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.
Wood, T. M'Kinnon
Yoxall, James Henry

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

And, it being after half-past Ten of the clock, Mr. SPEAKER proceeded, pursuant to the Order of the House of the 5th August, successively to put forthwith the Question on any Amendments moved by the Government, of which notice had been given.

Amendments proposed—

“In page 8, line 17, at end, to insert the words ‘one or more.’ ”

“In page 8, line 24, at end, to insert the words ‘making the scheme effective and of.’ ”

“In page 8, line 31, to leave out the words ‘of the land forming,’ and to insert the words ‘that the land forms.’ ”

“In page 8, line 39, to leave out from the word ‘order,’ to the word ‘the,’ in line 40, and to insert the words ‘under section eleven of.’ ”

“In page 9, line 4, at end, to insert the words ‘one or more.’ ”

“In page 9, line 7, after the word ‘required,’ to insert the words ‘due compensation to such amount as may be agreed or, as in case of dispute, may be determined by the Land Court being made for surface damage.’ ”

“In page 10, line 29, to leave out the words ‘as if he were the lawful assignee.’ ”

“In page 11, line 2, after the word ‘to,’ to insert the words ‘or in modification of.’ ”

“In page 11, line 4, after the word ‘shall,’ to insert the words ‘by himself or his family.’ ”

“In page 11, line 8, at end, to insert the words ‘and not inconsistent with cultivation of the holding.’ ”

“In page 11, line 40, after the word ‘nuisance,” to insert the words ‘or the provision of a water supply.’ ”

“In page 12, line 31, after the word ‘of,’ to insert the words ‘resumption by a landlord, or in the case of an existing yearly tenant or.’ ”

“In page 12, line 33, to leave out the words ‘termination of the lease,‘ and to insert the words ‘date of resumption or date when such tenant or leaseholder becomes a landholder, as the case may be.’ ”

“In page 12, line 36, to leave out the words ‘the landlord or the leaseholder,’ and to insert the words ‘any party interested.’ ”

“In page 12, line 37, at beginning, to insert the words ‘The procedure in connection with.

“In page 12 line 38, to leave out the words ‘dealt with as shall,’ and to insert “regulated as may.’ ”—(*Mr. Sinclair.*)

Amendments agreed to.

Bill, as amended (by the Standing Committee), to be further considered to-morrow.

LONDON ELECTRIC SUPPLY BILL.

Order for Second Reading read.

***MR. F. LEVERTON HARRIS** (Tower Hamlets, Stepney) said he wanted to explain why the promoters of this Bill desired to withdraw it. It was not because the promoters felt that there was in it any inherent defects or that the provisions would not go far to solve the difficulty which was at present hanging over London in connection with the electric lighting supply. But they felt that at this time of the session it would be absolutely impossible to hope to pass their Bill, it being contentious, as this Bill undoubtedly was, through all its stages. The delay which had occurred in bringing the Second Reading before the House had not been in consequence of any action on the part of the promoters. He thought that the President of the Board of Trade would admit that those who were responsible for the Bill had done all they could to meet the desires of the Department with regard to it. They had agreed, at the request of the Board of Trade, that the Bill should be deferred until the London County Council Bill had been considered in Committee; and that Bill was not discharged from Committee until 26th June; and, in spite of the constantly expressed desire of the promoters, this Bill had not been on the Order Paper for consideration until that evening. What was the origin of the Bill? It originated in the Report of a Committee which was appointed to consider last year the Bill promoted by the London County Council to deal with the bulk supply of electricity to London. The Report of that Committee recommended that in the present session various alternative schemes should be put before a Committee of that House for consideration so that they might pronounce some definite opinion on the merits of those schemes and decide which of them was to be accepted. The London Electric Company, he thought very properly, considered that this was a direct invitation that they should formulate some scheme for dealing with the electric lighting industry of London. And they were in the hope that if they presented a Bill it would be permitted to go to Committee on its own merits, so that evidence might be adduced and arguments put forward in order that this highly debatable question which was hanging over London at the present time, and the solution of which was most important to all the citizens of London, to the consumer, the ratepayer, and the electric light undertaker, might once and for all be decided. This consideration before the Committee had been frustrated, he regretted to say, largely in consequence of the action of the Board of Trade, who had consistently opposed the principle of the Bill. It was quite true that they put on the Notice Paper a reference to the Committee that the Bill should be taken in conjunction with the London County Council Bill, but that measure, as the House was aware, was rejected by the Committee, and the promoters of this Bill had been in the position that they were unable to obtain a hearing of the arguments they had to put forward until that evening. Any one who had studied the question of electric lighting in London must be convinced that the electric enterprise of this great city was in a position which was intolerable not only to those who were undertakers for the supply of electricity, but to those who were the great consumers of electrical energy, and the problem which overhung them at the present time was one of immeasurable importance, and one which every section of the community believed should be settled in some definite way, so that the restrictions which at present obtained could be removed. It was too late in the night to go into the history of electric lighting in London, but he might perhaps remind the House that they stood at the present time in this position: By the Electric Lighting Acts of 1882 and 1899 certain principles had been laid down. The first principle was that those who supplied electricity to the consumers of London were under the obligation at the end of forty-two years to sell their undertakings to the authorities of the districts in which their works were situated, and to which they applied electricity. The second consideration was that when those forty-two years had expired the arrangements which had been made for the purchase of those undertakings were founded upon a compromise which had produced a feeling of uncertainty, crippled industry, and was most prejudicial to the consumer of electrical energy. Under the Bill of 1889 certain principles were laid down and afterwards confirmed by the Provisional Orders issued under the sanction of the Board of Trade after consultation with such local authorities as the London County Council. Those Orders laid down the principle that each area should be supplied by two or more competing generators of electrical current. The result of that had been that they had instituted in London not only a system of duplication of machinery and management, but a system entailing an enormous expenditure of capital upon which had to be paid interest and dividends which had ultimately to come out of the consumer's pocket. There existed in the metropolis twenty-nine different electrical undertakings, sixteen of them managed by borough councils, and thirteen by private companies. Those undertakings had involved the expenditure of some £20,000,000 of capital, and if a better arrangement had been provided in the initial stages of electric lighting in London at least one-third of the capital which had been spent in the metropolis might have been saved as well as the interest upon it. The principle of dividing London into small areas for the purposes of electrical supply had been a very disastrous one for the consumer, and this had only been remedied by enormous expenditure and bringing before the House many separate Bills in order to enable those companies to establish outside the area of the metropolis itself great generating stations to supply the different areas with current and power. The purchase clause inserted in previous legislation dealing with the electrical supply of London told against the consumer of electricity in the metropolis. At the end of forty-two years the present electrical undertakings would pass into the hands of the local authorities, but no definite principle had been laid down as to the exact price at which the undertakings were to pass under the control of the local authorities. This uncertainty affected the raising of capital in the future, the question of dividends, and the reduction of the charge to the consumer. The present position was the exact opposite to what a reasonable system ought to be. Small stations were working instead of large stations able to supply power in large quantities. There was duplication in almost every area where mains had been laid down and generating machinery erected, and the management expenses overlapped, so that the cost of the generation to the amount of capital had been enormously increased, to the detriment of the consumer. The present Bill sought to remedy this state of things and proposed that the various stations should be linked up so as to be able to help each other in case any station belonging to the companies happened to break down. The Bill proposed to form a joint committee so that the most economically worked stations should be those worked in summer when there was the least load. It also proposed to organise a scheme for the supply of electricity in bulk to London at a lower price than that which had been proposed by any other authority which was seeking powers to supply electricity to London. He respectfully suggested to the President of the Board of Trade that this was a matter which really deserved more attention than it was receiving that night. What was wanted was a scheme which would once for all definitely lay down some principles which could be adopted, and satisfy not only the consumer and the ratepayer, but also such authorities as the London County Council and the various local authorities, and the electric light companies. He ventured to believe that if the right hon. Gentleman would only constitute some authoritative Committee to go into the matter of the electrical supply of London, he would obtain from the companies interested in the present Bill every desire to meet him with regard to any proposals he had to make, so as to place this very important industry on a more permanent basis, to the benefit of the consumer and the ratepayer, and ultimately of the local authorities. Under these circumstances he moved that the Order for the Second Reading of the Bill be read and discharged, and the Bill withdrawn.

Motion made, and Question proposed, "That the Order for the Second Reading of the Bill be discharged, and the Bill withdrawn."—(*Mr. Leverton Harris.*)

THE PRESIDENT OF THE BOARD OF TRADE (Mr. LLOYD-GEORGE, Carnarvon Boroughs) said the hon. Gentleman had taken the only possible course under the present circumstances. He did not propose to follow the exhaustive and rather contentious statement of the hon. Member, though he agreed with him that the subject was very urgent and deserved immediate attention. Nobody, however, knew better than himself the character of the controversy that raged round the question. The municipalities of London took one view, the companies another, and the majority of the London Members another. His own opinion was that it would be difficult, if not impossible, to arrive at a solution until the parties came to some common understanding upon general principles. It should not be impossible to do this, for it was a business matter, but the time for that had not yet arrived, not because the matter was not urgent, but because the temper of the parties at present did not conduce to a settlement, though he did not despair of something being done in that direction in the next few months.

MR. J. WARD (Stoke-on-Trent) said the hon. Member for Stepney had stated that this Bill met the requirements of the Committee which was appointed to investigate the subject last year. The Committee made three recommendations, and in each case the County Council was to be supreme. There was not a single recommendation of the Committee which this Bill did not contravene and contradict, and the statement of the hon. Member was a peculiar one to make to those who knew something about the business. As a matter of fact the whole contention of the Bill was contained in Clause 24. At present these companies which proposed to amalgamate could be purchased, under Section 2 of the Act of 1888, by the local authorities at what the companies called "scrap iron prices." Now the companies proposed to amalgamate and to escape from this purchase clause so that they could only be bought out after an agreement had been made with the local authorities. The whole question of electric light supply might then get into greater confusion than it was in at the present time. He asked the House to witness what had happened in Marylebone as an example of what might occur. He was of opinion that the House should decide on the Bill. He did not think that the companies should be allowed to scuttle out of it by withdrawing the Bill. Why was it that the companies always insisted on repealing Section 2 of the Act of 1888? It was very easily understood. An expert who was examined before the Committee was asked: "You give it as your experience in these undertakings that the position of finance largely depends on how far ultimately the promoters are able to exploit the general public?" and he replied "To a very considerable extent it depends upon that." That was the answer of the experts before the Committee. The maximum charges and the financial success of the undertaking did not depend on that at all. The hon. Gentleman knew that if they only could manage to pass this Bill with such terms of purchase at the expiration of the period granted by Parliament, they would get the whole of their outlays out of the pockets of the ratepayers in addition to large profits. As the Bill involved a very great principle indeed as to the method of ultimately acquiring these properties, and as the companies were suggesting practically the repeal of the Act of 1888, he would have preferred that the Board of Trade had refused to allow the Bill to be withdrawn. The Board of Trade should have informed the company that any clause like Clause 24 could never be accepted by the House of Commons, whose business it was to protect the interest of the public.

Lord R. Cecil (Marylebone, E.) said he could not allow to pass the speech of the hon. Member who sat for no constituency interested in or covered by the Bill.

Mr. J. Ward.

Mr. J. Ward said he had lived in London for twenty-five years, he had been a ratepayer in the locality where he lived for fifteen years, he had served on a London local authority, and he considered that he was perfectly entitled to speak on the Bill.

Lord R. Cecil said he would be the last person in the world to question the right of the hon. Gentleman to express an opinion about any Bill which might come before the House. He only meant that it would be unfortunate if no reply were attempted to be given to the remarks of the hon. Member. He would not go into the question as to what terms should be imposed on any company for the supply of electrical power over the whole of London. He would remind the House of one single fact, and that was that certain terms of purchase imposed in the Act of 1882 had thrown this country back for years in electrical enterprise. He would not discuss the position of affairs in the borough which he represented; it was enough for him to point out that as a matter of fact the electrical enterprise in Marylebone was now in a fair way to success. He desired to impress on the House and the Government the enormous importance of this question to London, and to express the anxious hope that the President of the Board of Trade would endeavour to bring about a consultation between the parties concerned, which he said was eminently desirable, and make it a success. It was really a scandal to our system of government that a cheap supply of electrical power in London should have become the battle-ground of municipal parties, and was threatened with delay and the possibility of defeat, because the matter was not now considered, as it ought to be considered, as the President of the Board of Trade had said, as a business proposition, but as a political question. He hoped that before many months were passed they would have in London the cheap supply of electrical power they ought to have had long ago, and that the matter would be removed from all political considerations.

Question put, and agreed to.

Order discharged, and Bill withdrawn.

CALEDONIAN RAILWAY ORDER CONFIRMATION BILL (By Order).

Order for consideration read.

Motion made, and Question proposed, "That the Bill be now considered."

*Mr. WARDLE (Stockport) moved that this Bill be considered three months hence. The Bill was an omnibus Bill, containing a large number of provisions relating to different subjects. Amongst them was one which had reference to the superannuation fund belonging to the clerks and officers of the Caledonian Railway Company. The Bill provided that the company should withdraw its annual contribution to the pension fund which applied to the 3,200 members of the staff of the railway company. This was not the first time that that fund had been mentioned in a Bill promoted by the company; but it was said that it was to meet a question which had been raised in the House last year that an inquiry should be instituted by the Board of Trade in regard to the pension funds of railway companies that the present provisions were inserted. Up to the present time they had not succeeded in obtaining that inquiry, although negotiations had been entered into between the Board of Trade and the railway companies for the purpose of finding out how those funds stood. One of the propositions was that all these funds should be guaranteed. Representations were made to the Caledonian Railway Company that a guarantee should be made in connection with their pension fund, but it was not anticipated that that would be followed up by a provision being inserted in the Bill now before the House that the railway company should be relieved of the contributions which they had hitherto made to the funds. The London and North Western Railway Company had passed a Bill in which they had given a guarantee which was quite different from that of the Caledonian Railway Company, inasmuch as they were not, like the Caledonian Railway, seeking to withdraw their contribution. One of the reasons why he objected to these provisions was that the men had not had the opportunity of considering them before they were inserted in the Bill. This being a Provisional Order Bill under the Scottish procedure it was different from the English procedure. Notice was given in the *Scotsman* in Edinburgh and also in a paper in Glasgow in November last, but the men were not given any opportunity of knowing what changes in the scheme were intended, as they should have been. They did not know what the provisions were until the Order was passed. For these reasons he wished to have these provisions exorcised from this Bill, but he was really more concerned about the superannuation funds generally than this particular point. There were sixteen in existence applying to 85,000 people. Different benefits were conferred, and in his opinion, Parliament should see that a man obtained the same benefits for the same contribution and should ascertain that these funds were in a solvent condition, and were not varied from time to time. He did not desire by his opposition merely to obstruct the Bill; what he desired was a Board of Trade inquiry into the whole question of railway superannuation finance. He did not desire to press this question to a division, and he would not do so if he received a satisfactory reply.

Amendment proposed—

"To leave out the word 'now,' and at the end of the Question add the words 'this day three months.'"—(*Mr. Wardle.*)

Question proposed "That the word 'now,' stand part of the Question."

The PARLIAMENTARY SECRETARY to the BOARD of TRADE (Mr. Kearley, Devonport) said that last year the President of the Board of Trade had a question addressed to him on this subject and his right hon. friend gave a definite promise to put himself in communication with the railway companies in regard to these various funds, and he issued a circular to the railway companies asking them for the information required. The companies willingly supplied him with the information in their possession and the Board now possessed a large amount of information as to the facts. They found that, as the hon. Member had said, there were sixteen railway companies having these funds, and they were all compulsory in regard to the contributions of the men, which varied from 2½ to 3 per cent. of their wages, while the railway companies made a corresponding contribution. Having considered all the facts, the Board had thought it right to represent to the railway companies that, inasmuch as the contributions of the men to these funds were compulsory, the funds should be guaranteed by the railway companies. On representations being made to the railway companies, the companies agreed that the men should have the same number of representatives upon the committee as the companies themselves had. Amongst the grievances which the men had was that there was lack of uniformity in the benefits derived—the employees of one railway were not so well treated as those employed on another. He thought the employees on one railway should be as well treated as the employees on others. On the London and North Western Railway Company, although the contribution was the same the benefits derived by the men were greater than on any other railway. In this regard the London, Brighton and South Coast Railway Company were greatly in arrear, and he thought there was great necessity for uniformity. Some of the funds were insolvent upon actuarial examination, and the result had been that the benefits had been reduced and certain men had a grievance. The benefits also differed widely, in some cases being taken on the last seven years of service and in other cases upon the whole service. Taking into account all these differences, the Board thought that it was a matter for further investigation, and, if the hon. Gentleman would be satisfied, the Board and, he thought he might say, the railway companies, would not object to such investigation. If the hon. Member would withdraw his opposition to the Bill, the Government would appoint a Committee at the commencement of next session to go into the whole question of these funds.

*MR. SMEATON (Stirlingshire) said he opposed this Bill because after a series of protests by public meeting, by letters and by personal interviews extending over several years the Caledonian Railway Company had done nothing to improve the condition of the station at Denny, which remained in the same filthy and insanitary condition in which it was fifty years ago. He had visited railway stations in Europe, Asia, and Africa, but he had never seen any station either East or West of Suez which would compare ith this station for filth, insanitation, and absence of safety. The platform was only half the length of many of the trains which came into the station. Frequent excursion trains came in in the summer and more than half the passengers had to alight on the metals, very often at night, and cross over a series of rails to the opposite platform; and as shunting was always going on the danger to life and limb of the women and children crossing the metals was obvious. In spite of continued protests the Caledonian Company had resisted every attempt to make the station safer. He would not offend the ears of the House by reading a description of the insanitary state of the station that appeared in the Report of the sanitary officer. It was sufficient to say that the ladies waiting rooms and lavatories were in a most filthy and disgusting condition, and that the only drinking-water tap was situated in the urinal. The station was antiquated in character, the platforms much too short, the waiting rooms and other places infested with rats and in the opinion of the sanitary officer the station should be replaced at once by a building more decent, healthy, and sanitary. The people of the town had no means of redress. They had done all they could and now pressed him to come to this House and endeavour to obtain for them that redress which they had been unable to obtain from the railway company. Although he felt it would probably be of little use to go to a division, he hoped the House would support him in his claim on behalf of the people of Denny to have a decent, safe, and sanitary station. Denny was a manufacturing town with a population of between 7,000 and 8,000, six paper mills, several iron foundries and a large coal and brick industry; an immense amount of traffic passed over the lines and, the only reason why the company had resisted the attempt of the people to get redress was that there was no competition. Had there been a competing line they would long ago have put up a healthy and comfortable station at this place. He asked for a guarantee that within a reasonable time something should be done to make this station decent and habitable even if it was not completely rebuilt. He was credibly informed that £90,000 of the money to be raised under this Bill was to be spent on various stations on the line, and surely if it was worth while to spend £90,000 on other stations it was essential that at least a few hundreds should be spent on the Denny Station to make it sanitary, decent, and safe. If he did not receive some assurance he should feel it his duty to go to a division.

*MR. MORTON (Sutherland) said he supported his hon. friend in the demand which he had made for better station accommodation at Denny, and that the platforms should be put in a safe condition for the use of the public. Though he did not know as much about the sanitary condition of this station as his hon. friend, yet he could bear testimony that it was not in a fit condition. It was not the only station of the sort in Scotland, and he thought it was only fair and right that the company should provide sufficient accommodation, especially on the platforms. They had no desire to deal harshly at all with this company, but he trusted that they would very speedily put this station in order, as his hon. friend desired. But there was another question which he wished to refer to. In regard to the provision of third-class sleeping carriages he would like at once to say that he had not a single offensive word to say against this company. It was a very respectable company, probably better than a good many English companies. It was doing a good work. Personally he had no desire to throw out this Bill or in any way injure the company in getting money to carry out such improvements as might be required. But this was one of the companies that he was more concerned in than almost any other with regard to the provision of third-class sleeping carriages, because when he visited his constituents he went by this railway, and therefore he was speaking from his own knowledge when he said that they ought to have third-class "sleepers" just as were provided for first-class passengers. He was sorry that the Board of Trade had not taken the matter up properly, because a company which had got its charter and monopolies from Parliament had no right to show a preference for a particular class of passengers. He was told that third "sleepers" could not be made to pay. However that might be, he did know this, that it was the third-class passenger traffic which paid the companies, speaking generally, and that if there was a loss it had to be made up out of the third-class traffic. It was very unfair to third-class passengers to make them pay for the loss on the first-class and yet deprive them of the sleeping accommodation which they gave to the first-class passengers that were the cause of the loss. He had been told that he should bring a Bill before Parliament to carry out his proposal, but it was impossible for anybody but the Government to get such a Bill through; therefore to suggest that he should bring in a Bill was hardly fair to him or to the travelling public. It was an important matter to those who travelled 500, 600, or 700 miles from London that they should have this third-class sleeping accommodation. He believed that this company was almost converted on the question, and it only required a little more consideration from them to see the justice of his (Mr Morton's) demands, and to carry out this improvement. They knew as well as he did that the third-class sleeping carriages would pay better rather than worse than the first-class sleeping traffic. The difficulty which they experienced at present was that the railway companies spent their money on the first-class passengers, wholly forgetting that it was from the third-class passenger traffic that they made their profit. He trusted that these remarks would have some effect on the railway companies. Unless this and other companies took warning from the fact that the attention of the House had been called to the subject, next session, or at some future time, they would punish them in the only way open to the House, by throwing out any Bill which they might bring forward, a course which otherwise they would not wish to adopt. He also trusted that the Board of Trade, instead of looking after the companies' interests first would bear in mind that their first duty was to the people, and if they only had the full support of the Board of Trade they would get what they wanted, namely, fair play and no preference.

Mr. C. E. PRICE (Edinburgh, Central) said he understood that the Caledonian Railway Company were willing to give a guarantee as to the accumulated funds. [An Hon. Member: No; that is not so.] He understood that had been said by the Secretary to the Board of Trade; he might be wrong. The point was that the company in 1866 had entered into an obligation to contribute an equal proportion to the provident fund instead of making an annual contribution. It was a very serious point that the railway company should be asking to be relieved from an obligation which they had entered into. It was absolutely necessary to those concerned that the full obligations of the Caledonian Railway Company to their *employes* should be carried out. But they did not fulfil the conditions. The Examiner of Orders reported that General Order No. 65 had not been complied with. That was a very serious omission, and he hoped the House would not allow the company to come there seeking relief when those interested had not had a full opportunity of making their views known. There was a large number of members of the superannuation fund, who contributed last year nearly £7,000, and the Caledonian Railway contributed another £7,000. Clause 42 did not meet the case at all. Last year the interest on the accumulated funds more than met the claims, and if this Bill were passed the railway company would not be called upon to contribute this money. It was grossly unfair to deceive the House in a matter of this kind. The people who were affected by the Bill had not had a full opportunity of stating their case. They ought to pay full regard in the House of Commons to those who had been contributing to the fund and see that their consent had been properly obtained to the proposed change. He contended that those who were affected had not had a full opportunity of making their views known. He wished to say a word or two about the provision of third-class sleeping accommodation. Between England and Scotland there was a great deal of night travelling, and when granting these monopolies to railway companies he thought they had some right to insist that some change in the direction of providing third-class sleeping accommodation should be made. On the Continental railways it was easy to accommodate four persons sleeping in one railway carriage by lifting the back of the seat up, which permitted a passenger to be accommodated on the upper storey. He thought third-class passengers should receive better accommodation than they now got.

Mr. KEARLEY said that this particular question had been brought under the notice of the Board of Trade. He had looked into the matter raised by the hon. Member for Stirlingshire and he agreed that the railway company ought to pay heed to the representations of the local authorities to keep their stations and platforms in a proper state of repair. One of the directors of the company had authorised him to state that the station referred to was recognised as being unsatisfactory, and it would shortly undergo re-equipment to meet modern needs. He was assured by the company that there was no desire on their part to delay the carrying out of their obligations. He was authorised to state that the work would be taken in hand and completed at the earliest opportunity, but what the company could not accede to was that that work should take priority over other matters of this character. The company had undertaken that within the next two years the work would be put in hand. He hoped his hon. friend would consider that was a fair and straightforward statement on behalf of the railway company. It had been said that the Board of Trade had not taken up this matter properly. They had pressed the questions which had been raised upon the attention of the railway companies by correspondence, and he had made more than one speech expressing sympathy with the movement with which his hon. friend was connected. It should not be forgotten that the Board of Trade had no mandatory powers over the railway companies. They found that they got on better with railway companies when they tried moderate persuasion, and he thought now that inasmuch as 83 per cent. of the passenger revenue of the railway companies of this country was derived from third-class traffic there was undoubtedly a good case for consideration at the hands of the companies. He did not see in his place the right hon. and gallant Member who represented the London and North Western Railway on these matters, but he did see the hon. Baronet the Member for the City of London, who might wish to explain. He believed the right hon. and gallant Member for the Epping Division expressed his sympathy with the idea on a previous occasion. He was not going further than to repeat what he said the other night, namely, that he had a feeling himself that in due course the hon. Member who pressed this question would get his reward, and that he would succeed as he succeeded with the tramway companies in taking away from them the power to increase fares on Bank and other public holidays. The hon. Member was very persistent in that direction and he was very persistent now, and he could only wish him well.

MR. MORTON asked if he might be allowed to make a personal explanation, and to say that he had not threatened anybody. He had only given them a warning.

Amendment, by leave, withdrawn.

Bill considered; to be read the third time to-morrow (Thursday).

EMPLOYERS' LIABILITY (INSURANCE COMPANIES) BILL.

Order for the Second Reading read.

MR. KEARLEY said the object of this Bill was to apply to Employers' Liability Insurance Companies the requirements of the Life Insurance Acts of 1870 and 1872. Those Acts had proved to be thoroughly beneficial in protecting the interests of the public at large. The reason the Government had brought in this Bill was that in consequence of the passing of the Workmen's Compensation Act there had been, and would continue to be, a great increase of business by reason of the expansion of workmen's compensation under the Act of 1904, and they had reason to fear that a correspondingly large number of companies would spring up of doubtful financial stability, and therefore it was felt to be necessary to introduce a Bill that would handicap the growth and development of mushroom companies. The Bill in its present form required that all existing as well as future companies, with some exceptions, should make a deposit of £20,000; but since the introduction of the Bill many representations had been made to the Government by Members of this House and others interested. There were in existence a large number of very *bona fide* companies that would be most seriously hit if they were to make the deposit retrospective. Many of these companies, he had no doubt, were of a quasi-mutual character, but as they were not fully mutual the Bill as it at present stood would subject them to a deposit of £20,000. He thought it might have been possible to introduce some words that would have exempted these companies from the obligation to make the deposit, but they had come to the conclusion that do it as ingeniously as they might the whole of the companies he was speaking of could not be covered. Nobody knew better than Members of the House how necessary and needful it was that there should be a wide competition in respect of employers' liability insurance, and it would be doing more harm than good if by making legislation retrospective they were to sweep out of the field of competition so many useful companies; and, therefore, the Government had decided to introduce at a later stage an Amendment so as to make the Bill apply to future companies as regarded deposit.

MR. H. W. FORSTER: Future companies only?

MR. KEARLEY: Future companies only as regarded the deposit. He would point out that representations had been made to the Government on behalf of Lloyds and also the underwriters, and they had decided to subject them to exceptional conditions which were clearly set forth and explained in the Bill, and which would follow exactly the precedents of the Life Insurance Acts in respect of not making the Bill retrospective. Now that the Government had decided to do that, he thought all opposition to the Bill disappeared. One never knew until a Bill was printed and circulated what the opposition might be, but he was speaking about the particular interests who found themselves assailed by a Bill of this kind. It would be the last intention of that or any other Government to assail the position of those quasi-mutual companies which were doing most excellent work throughout the country. Under these circumstances he hoped the House would give the Bill a Second Reading, and he could assure hon. Members that in Committee the Government would be happy to give consideration to any case of hardship which might appear to arise out of the Bill. He thought that by such means they would be protecting the future development of mushroom companies and at the same time preserve many companies which were doing most beneficial work at the present time.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. AKERS-DOUGLAS (Kent, St. Augustine's) said he certainly did not rise to oppose the Second Reading. On the contrary he warmly welcomed the introduction of the Bill. He pointed out during the discussion on the Workmen's Compensation Bill last year the necessity of some measure of this sort to protect the smaller insurers against bogus companies. It was certainly his desire that in the more remote country districts they should have protection of this sort. Parliament had cast upon small and sometimes somewhat ignorant employers a very heavy onus, and he thought the least they could do was to protect them as far as they could against travellers and others who went round and asked people to insure in bogus companies. He had, therefore, nothing to say except in favour of a proposal of this sort, and now that the representative of the Board of Trade had told them that Amendments were to be inserted in Committee he would find there was no difficulty in getting the Bill passed. Certainly so far as he and his friends were concerned the Government should have their assistance, though he would press upon the hon. Gentleman not to go too far in concessions, because he was afraid that by the tone of the hon. Gentleman's speech he was rather inclined to take away safeguards which existed in the Bill. However, those were matters for the Committee stage, and he would reserve his remarks for the Amendments when reached; but he wanted to be quite certain with regard to the date when the Act was to apply. He understood the hon. Gentleman to say that it was not to be retrospective in any respect, with regard either to companies or to underwriters—that was to say, it was only to affect them after the passing of the Bill. He had no doubt that the hon. Gentleman had been carefully into the fact to see whether any mushroom companies had arisen in the last year, because if so, the Bill ought to apply to them.

*Mr. LUPTON (Lincolnshire, Sleaford) said he wished to ask the Government whether they could see their way in Committee to make some amendment in this Bill which would have the effect of removing what was going to be a great misfortune. Insurance companies would not insure certain classes of people on account of the unhealthy or dangerous character of the trade, refused to insure certain individuals on account of their age or state of health, and he understood from the Secretary of State for Home Affairs that men were now out of employment in consequence of the Workmen's Compensation Act. Perhaps the Board of Trade could see their way to introduce into this Bill some clause by which, in view of the sort of monopoly now given by this Bill to existing insurance companies, the insurance of such men as he had referred to would be covered and the onus thrown upon the whole community. An evil would be thereby removed, and the cost to the country would be so trifling that it would not matter. Now that the hon. Gentleman was giving an advantage to existing companies by removing the competition of new unstable offices he was in a position to make the bargain he now suggested.

MR. LLOYD-GEORGE said this matter should have his consideration.

Bill read a second time, and committed to a Standing Committee.

ISLE OF MAN (CUSTOMS) BILL.

Order for the Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

*MR. HAROLD COX (Preston) moved that it was undesirable to proceed further with a measure affecting the revenues of the Isle of Man which made no provision for a further contribution from those revenues towards the cost of defending the Empire. The position with regard to the Isle of Man, he said, was that this country collected revenues and handed them over to the Isle of Man for the sum of £10,000 a year, paid into the Consolidated Fund of the United Kingdom. This arrangement was made in 1866. The point was that if that arrangement was equitable then, it was obviously inequitable now. In 1866 the Army cost us £14,000,000 and the Navy £10,000,000. Since then the Army had doubled in cost and the Navy had trebled in cost. The Isle of Man still paid the same sum, although it had increased in wealth enormously. The population of the Isle of Man was about 50,000, so that on the basis of population the Isle of Man paid 4s. per head towards the cost of defending the Empire. There was no reason why the Isle of Man should not bear its proper share. Taking similar figures for the United Kingdom, they found that for the upkeep of the Army, the Navy, the Civil List, and the Diplomatic Service, the people of the United Kingdom paid £2 a head, while in the Isle of Man they paid 4s. This was the estimate on the mere population basis, but another comparison was equally interesting. The Isle of Man derived its revenue from the whole of the county of Lancashire. Lancashire poured its wealth into that little island. He asked the House to consider the injustice that was occasioned to every watering-place on the mainland in Lancashire. There was Blackpool. He did not see the Member for Blackpool in the House that night, but the injustice to his constituents was apparent. Blackpool was in the same position to the Empire as the Isle of Man, but the Blackpool people—the lodging-house keepers and others—had to pay towards the cost of defending the Empire at the rate of £2 a head, while the people of the Isle of Man paid 4s. a head. This was a cruel injustice. The Isle of Man escaped the taxes from which this country suffered—even the income-tax. They all knew that an author of some repute lived in the Isle of Man, and the whole Empire would gladly shed its last drop of blood in defence of Greeba Castle. Yet the occupant of that castle paid not a single penny of income-tax. Think of the injustice to the hon. Member for Gravesend who had to pay a cruel income-tax on his scanty earnings, while his rival in the Isle of Man escaped scot free.

Amendment moved—

"To leave out all after the word 'that' and insert 'it is undesirable to proceed further with a measure affecting the revenues of the Isle of Man which makes no provision for a further contribution from those revenues towards the cost of defending the Empire.'"—(*Mr. Harold Cox.*)

Question proposed, "That the word 'now' stand part of the Question."

THE FINANCIAL SECRETARY TO THE TREASURY (Mr. RUNCIMAN, Dewsbury) said that the amount which the Isle of Man paid was arrived at after long discussion. It was impossible to make any just comparison between the Isle of Man and Blackpool, but if they compared the Isle of Man with Australia they would find the contribution from the people of the Isle of Man was large, in fact, it was considerably larger than it was in any other of our possessions, as the hon. Member for Preston very well knew. The object of this Bill was only to affirm that the Custom duties levied in the Isle of Man should be the same as those in the rest of the United Kingdom, the sole object being to prevent any smuggling between the Isle of Man and this country.

Amendment, by leave, withdrawn.

Bill read a second time.

Bill committed to a Committee of the Whole House.—(*Mr. Runciman.*)

STATE REFORMATORIES BILL.

Order for Second Reading read, and discharged. Bill withdrawn.

CABS AND STAGE CARRIAGES (LONDON) BILL.

Order for the Second Reading read.

MR. AKERS-DOUGLAS (Kent, St. Augustine's) said he thought that the Second Reading of a Bill of this kind should extract some explanation from a member of the Government. The Bill was introduced last week and it was a measure which, although part of it was agreed, contained clauses of a very controversial character. The Bill was described by the Prime Minister on the day of the "massacre of the innocents" as an important and useful Bill, which unless it was agreed to the Government could not attempt to carry through this session. The Bill gave the Home Secretary authority over the cabs of London and enabled him to settle fares and matters of that sort. He thought that these useful provisions of the Bill would not meet with opposition in this House, but he was sorry to see incorporated in the Bill the question of the abolition of "privilege" cabs, which was a matter of considerable controversy and one that was unlikely to be arranged as if in an agreed Bill. He thought that the arrangement come to under the privilege system was in the interests of the travelling public. If the "privilege" cab system were abolished it would be a great difficulty to obtain cabs at all railway stations at all times and in all weathers. It might be possible to obtain cabs at certain stations at certain times, but those who travelled by special trains and arrived in the early hours of the morning or late at night would find a great difficulty in obtaining conveyances to carry them to their homes. If the railway companies were not allowed to make contracts for the supply of carriages at the stations Continental passengers would arrive perhaps by night or in the evening and experience great inconvenience in having to wait while cabs were being sent for, while those who would arrive in the early hours of the morning, possibly after a disagreeable crossing of the Channel, would not thank the Government if they found that in consequence of the abolition of the privilege cab system, which had hitherto worked well, they had to spend some considerable time in the morning waiting at the station before they could get to their destinations. He knew that it had been stated that the "privilege" cab system was desired by directors only for the financial advantage of railway companies. He disputed this, and he had had experience of a railway company which had actually tried to do without the "privilege" cab system. The South Eastern Railway Company did away with the "privilege" system between 1883 and 1887, and had to return to it because of the great inconvenience that was caused to passengers. In 1899 a Select Committee sat in the House of Commons for the purpose of considering a Bill for the amalgamation of that line and the Chatham line. In the evidence given at that time the general manager of the South Eastern Company stated that the reason why the company had to give up the "open" system—the system which the right hon. Gentleman wished to impose for the future—was that they could not get cabs when they were wanted for the morning express which came in at three o'clock. This applied to London Bridge, Charing Cross, and Cannon Street. The company found that cabs went off to theatres and elsewhere and did not return to the railway stations, and after three years trial they had to give up the "open" system and return to the system of contracting with certain cab proprietors to supply their stations. The general manager, on being asked, said the difficulty which the company found was not only to get the cabmen under the "open" system to be at the railway stations at times when they were wanted, but they had no adequate power of controlling the cabmen. Among the clauses of the Bill he was sorry to see that it was proposed that practically the business of the railway company, so far as the station yards were concerned, was to be taken out of the hands of the railway company. If the management of the cabs which plied at the station was taken out of the hands of the company there would be a breakdown and a large number of the people who travelled on the railway would be put to great inconvenience. Subsection 3 of the Bill practically turned the station yard of the railway company into a public street. This clause took out of the hands of the railway company the power of regulating and managing the cabs on their own property.

*THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.): No.

MR. AKERS-DOUGLAS said he would hear later how the right hon. Gentleman explained this paragraph in the Bill. It seemed to him that if the Bill passed in its present form the Government would take away from the railway companies the power or directing an important branch of their traffic. Another difficulty was that if the power of supplying cabs was taken away from the railway company there would be no means of ensuring that the cabs supplied in the station were of a proper quality. There was a danger, he thought, that they might get cabs which were not in a good condition, and that cabs which had not got decent horses would very largely congregate in the stations, and they would have no power whatever over the class of cabs which were to be admitted. He wanted to point out, also, to the right hon. Gentleman that he must not in any way think that the Bill, including as it did this Clause 2, could be treated as a non-controversial measure. The first part of the Bill he had no objection to; he thought it was necessary that the Home Secretary should have power to deal with the matters included in that part of the Bill, but the right hon. Gentleman must not consider that the Bill could be treated as an agreed measure. Whether or not they agreed to take the Second Reading that night the Home Secretary must not be surprised if there were a considerable number of Amendments moved when the Bill reached a later stage. He regretted that the Government had thought it necessary to introduce, at this very late period of the session, when they were working largely in the small hours of the night a Bill of that character, which was certainly controversial, and he trusted that even now the Home Secretary might think it desirable to lighten his Bill and to agree to take only those portions of it which were non-contentious and which he could do with the full consent of both sides of the House. But if he insisted on the inclusion of the privileged cab question in the Bill, he could not be surprised if a matter which for many years past had been the subject of great controversy gave him a great deal of trouble

*MR. GLADSTONE said he did not complain of any of the criticisms of his right hon. friend opposite. But before he dealt with the particular question of privilege, might he remind the House that the other part of the Bill was designed to meet a public want, to allow the cab-drivers to put a taximeter on their cabs if they desired? There was no power in the Bill to force a taximeter, as to time and distance, on the horse-cabs. All that they did was to take power so that cab-owners and drivers could have them if they wanted them. At this late hour he did not know if it was necessary for him to go into the history of this complicated matter. His right hon. friend had, not unfairly, criticised them for putting this privilege question into the Bill, which was expected to be of a non-controversial character. He could assure the House that it was from no desire whatever to provoke conflict or disagreement that the Government put the clause into the Bill. Let him remind the House how the matter stood. There were in London about from 1,600 to 1,700 privileged cabs. There were about from 11,000 to 12,000 licensed drivers who were not privileged. Now the privileged men, by virtue of the privilege, were no doubt in one of the best and most lucrative parts of the business of cab driving in London, and, as the House knew, horse cab-drivers generally were now suffering severely from the competition with motor cabs. He was sure that hon. Members, whatever they might think of privileged cabs in the abstract or the concrete, would agree that they were ready to do all that reasonable men could be expected to do to lighten the difficulties against which the general body of drivers were striving. It was with the view, as he maintained, of giving the House an opportunity to do justice to these men, that they had put this clause into the Bill, to provide practically for the abolition, or he would prefer to call it suspension, of the privileged system. This had been a standing grievance for the last fifteen years. They were all agreed—cabmen as well as Members of the House and the public—that the travelling public should be well served at the railway stations. About that they all agreed. If it could be proved that the abolition of the privileged system would put the travelling public to serious inconvenience they would agree that the present system ought to be continued without tampering with it. His right hon. friend had alluded to the Committee of 1889. It was, he believed, a Private Bill Committee. But he would remind the House that subsequent to that two Committees had inquired into this particular question. First, in 1895, there was a Departmental Committee, and the second, last year, was a Select Committee of the House of Commons. These Committees had both found in favour of the abolition of the privilege system, and the Committee of last year, of which he saw some hon. Members present who were members, found unanimously in favour of its abolition. His right hon. friend complained that suddenly the Government put this clause into this Bill. He would explain how that happened. He had endeavoured to settle this question by agreement; many months ago he approached all the railway companies and negotiated with them. They had negotiations with each separate company, and he was in great hopes that they would arrive at a friendly solution, because, with the exception of one or two companies, he found that there was a general disposition to come to terms on the basis of an experimental abolition of the privilege system. But hon. Members knew that what was essential to a practical and a satisfactory experiment in this direction was that all the companies should be brought into the plan or scheme or whatever it was. His right hon. friend had instanced the case of the South Eastern Railway. That company, he said, made an experiment and came to the conclusion that it was unsatisfactory. He (Mr. Gladstone) had never heard any member of the general public say he had found that there was any difference in the supply of cabs during that experiment. His right hon. friend was, of course, naturally in a position to know that better than he would be. Speaking as a user of the South Eastern Railway, he never knew that there was any special inconvenience in getting cabs at that spot. But it was an isolated experiment, and even admitting it did not prove satisfactory to the company he maintained that it could not be taken to disprove the success of more extended experiments to which all companies should be parties. What did the Government ask? They asked in this Bill that all companies should admit all licensed cabs to their stations. His right hon. friend said that they proposed to take away the power of the companies—or to abstain from giving to the companies—the power of making regulations for the purpose of controlling the cabs in their stations. They did nothing of the sort. They did not intend to interfere with the power of the companies in their own station yards. All they said was, that the companies must let in all cabs. When the cabs came in, then they were subject to the regulations which the companies might make. They would come in precisely as they did now under the regulations which the companies now made, but with one exception, and that was in regard to the fee which was charged on admission. There was a provision that the fee charged on the cabs for admission had to be approved by the Home Secretary. But, apart from that, the railway companies would continue, under this Bill, to regulate the admission of cabs and the order and discipline of the drivers of the cabs, as now. They would continue to provide water for the horses, and would be able to charge, as the London and South Western Railway now charged at Waterloo, and to recoup themselves for all expenses in that direction. Surely there was no great hardship in asking the companies to make this experiment? All that the men asked for, and all that the Government asked for, was that this experiment should be tried for a period. He had it in black and white from the representatives of the cabmen themselves that all they want is a fair trial of the open system. And they undertook to acquiesce in a reversion to the privilege system if it was found, after reasonable experiment, that the open system produced inconvenience to the travelling public. Could anything be fairer than that? He would also say that, although he agreed that there was no limitation in the Bill, yet they proposed only to apply this system to the terminal stations. At this moment he was not quite sure whether they would apply it to Waterloo and one or two other stations. But, speaking generally, they only proposed to apply it to the terminal stations, not to suburban stations, because the cabmen themselves quite realised that there was a special difficulty with regard to these suburban stations. Cabs naturally were not in the neighbourhood of the stations. They would not be ever put there unless there was some special arrangement with the companies, and it would be necessary in regard to these stations to maintain the present system. His hon. friend the Member for the City of London said quite truly that this was not in the Bill. But, so far as this Bill extended; the Secretary of State had power to suspend the operation of this subsection in respect of any particular station, and it was proposed to exercise that power freely in regard to those stations where, as they all admitted, there was a special difficulty, and where the travelling public would be incommoded if they abolished the privilege system. If that was not clear, they were quite prepared to make it so. They had considered the alternative plan of putting in the schedule of the Bill the stations to be so exempted, but they thought it would be convenient and more elastic to reserve power to exempt stations which clearly ought to be exempted. He could assure the House that it was only proposed to extend the Bill to terminal stations in London, though there might be an exception or two such as Waterloo Station. He hoped under those circumstances the House would consent to give this experiment a fair trial. There was no wish on the part of the Government to come into conflict with the railway companies, or to interfere with their stations or with their rights in their stations in any way, but the Government held that, after all, these licensed drivers were the licensed drivers of the Metropolis, and to him it did not seem either right or fitting when railway companies existed to serve the public that they should take advantage of the system of London cabs and cabmen and make their own arbitrary selection. It seemed to him that the companies were taking advantage of a system which did not belong to the companies, but which did belong to the Metropolitan public, and it was a system which, although he agreed it had worked well for the travelling public, yet it imposed a hardship on the drivers, and in view of the heavy competition which they had to face, it was incumbent upon the Govermnent to do what they could to help them to a fairer system.. By the provisions of this Bill every security was taken that the public should not be incommoded. If he were wrong in that view and the public were incommoded, then it would be an extremely simple matter to revert to the privilege system which now prevailed.

SIR F. BANBURY said he would like to point out to the right hon. Gentleman that the railway companies had only one object in view, and that was to ensure a sufficient supply of cabs at all times to meet requirements and that the cabs should be decent and have decent horses. He could claim to speak on this matter because he happened to be one of the few Members of the House who constituted the horse committee of the Great Northern Railway, and it was his duty to go round the stations of that railway to see the sort of cabs that were in attendance. It was a most important question not only from the point of view of the public, but from the view of the railway companies and passengers, who did not wish to be delayed with a bad horse. If this Bill passed, any bad cab or bad horse could go into a station and could not be removed. Under the present system he merely told the traffic manager to intimate to the man with whom he contracted to send a better horse or better cab, as the case might be. Then there was the question of the number of cabs at the different stations. The right hon. Gentleman said that in order to make a success of his scheme probably he would have to apply it to all the stations of London. He ventured to say, with all due respect to the right hon. Gentleman, that that showed he had not the remotest knowledge of the question. The conditions of the stations were different. He believed it was possible that if the Bill became law there might be a sufficient supply of cabs in certain stations, such as Charing Cross—although the experiment carried out by the right hon. Gentleman below him did not prove that—possibly Waterloo, and possibly Victoria. He said that for the reason, which everyone knew, that cabs congregated in Piccadilly, Park Lane, and round about the centre of London. When close to a station they would no doubt go into it, but they would not go to St. Pancras, Paddington, or King's Cross, or into the City unless there was a fare to take there. No cabman would go outside the centre if he could avoid it. He had himself experienced great difficulty, and he was sure other Members must have found it so in similar circumstances, to get taken from Belgrave Square into the City, because the cabman could not get a fare back. Over and over again he had been refused, and one did not want to have a row. He happened to be living some years on the route of the Great Western Railway, which admitted cabs of strangers into Paddington Station when necessary, but if he got into a strange cab and told the driver to take him to the City he was almost invariably refused. In the case of a privileged cab, all that one had to do in such a case was to summon the station inspector, who would at once compel the man to drive the fare to the place to which he wanted to go. If it was an outside cab, however, the station inspector had no authority over the driver.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. JOHN BURNS, Battersea): The policeman has.

SIR F. BANBURY said that meant going to a police court, and who was going to take that trouble? At the present time the inspector at the station merely said, "You must go," and the driver went. He was on the Committee to which his right hon. friend alluded, and this very question came up. A cabman who was in favour of the abolition of the privilege system came before the Committee, and he said to the witness, "Have you ever been in the Great Western Railway station?" The reply was "Yes." He then related to the cabman what he had just related to the House, and asked him whether it was true. The witness replied, "Oh, yes; it is quite true. What I do is to drive out of the station, and when I get out of the station I tell the people to get out of the cab." These were some of the reasons why the railway companies were desirous of keeping a certain amount of control of the cabs in their own hands. The other system had been adopted at Waterloo fifteen or sixteen years ago, and he challenged any hon. Member who was in the habit of going to Waterloo to deny the statement that the worst cabs in London congregated at Waterloo. [Cries of "No."] He did not know whether hon. Members who denied that had been in the habit of going to Waterloo, but he himself had been in the habit of visiting Waterloo to see what sort of cabs were there, and he ventured to assert without fear of contradiction the truth of his statement. He would go with any hon. Member any day this week to Waterloo and to Paddington, and he was quite certain he would convince him of the difference in the quality of the cabs at the two stations. [AN HON. MEMBER: The Great Northern is the worst.] He would go to that station if the hon. Member liked. He entirely disagreed with the hon. Member that the Great Northern cabs were the worst. Perhaps the hon. Member saw a bad one, for they admitted outside cabs if they had not sufficient of their own in the station. It was evident that the result of the experiment in this Bill must be a failure to get cabs at those stations which were outside the area of London where cabs mostly congregated. There could be no question about that, and the only argument the right hon. Gentleman had brought forward was that the cabmen who were not privileged desired the system to be abolished. He had nothing to say against cabmen, who were a very worthy class of men, but he did not think the interests of the public ought to be sacrificed in the suppositious interest of one class of men. No doubt what appealed to the cabman was that if he happened to be near a station he would like to go into the station. But the cabman would not go to an outside station of his own accord to get a fare, and for that reason the railway companies held that it would be quite impossible to apply this rule to all stations. He was glad that the right hon. Gentleman had met them so far as regarded the suburban part of London, but his Bill said the police area, which extended to Clapham and that sort of place. He would ask the right hon. Gentleman whether he was aware, as he was informed was the case, that the hon. Member for Sheffield, who was a director of the Great Central Railway, had an undertaking from the Board of Trade that no Bill of this sort should be brought in unless sent to a Select Committee.

*MR. GLADSTONE: The Board of Trade have nothing to do with it.

SIR F. BANBURY said that was another point. The railway companies were more or less under the control of the Board of Trade, and why should they be put under the control of another Department? Surely it was quite sufficient to put the railway companies under the control of one Department.

*MR. GLADSTONE: Why does the hon. Baronet propose to put cabs under the Board of Trade?

SIR F. BANBURY said he did so for the very good reason that if they were going to regulate one particular business, they had better do so by one set of men. The Board of Trade were conversant with the railway companies and their needs, as well as their methods of business, and he ventured to say the Home Office knew nothing whatever about them. For that reason, he thought the Board of Trade was the proper body; but supposing he was wrong, it did not alter his contention that a pledge had been given by the Government to the Great Central Railway Company that this Bill should not be introduced unless it was sent to a Select Committee. He did not think the Government could get out of that pledge by merely saying that the Board of Trade gave it.

*MR. GLADSTONE said he did not want to get out of any obligation, but as this Bill came out of a Select Committee, he did not see why it should be sent to a Select Committee.

SIR F. BANBURY said his contention was that this pledge was given, and if so, it ought to be adhered to. The only other remark which he had to make was this. It was a little hard that in this matter in which they thought that great inconvenience would be incurred by the railway company and be caused to the public—that in a purely commercial undertaking of this sort, the Home Office should interfere. At a time when railway companies were in an extremely depressed condition, the Home Office was to come in and instruct them how to manage their business. He urged that there must result a great inconvenience to the travelling public and a loss to the railway companies. He had only one other remark to make, and that was with regard to Clause 3. This had nothing to do with the railway companies. It provided that coaches running out of London should have a foot-plate upon them. There used to be a considerable amount of interest taken in coaching; but this provision was a way to kill coaching altogether, by putting a badge on the driver and a plate on the coach at the rear. It was quite unnecessary. He hoped that the right hon. Gentleman would not kill four-in-hand driving.

SIR SAMUEL SCOTT said in the speech to which they had first listened the last remark was the only part with which he agreed. The right hon. Member for the City of London had mentioned an instance in which he could not get a cab to go from Paddington to the City at ten o'clock in the morning. The reason was that the cabman unless driving a "privilege" cab, knew that it was extremely unlikely that he would get a "fare" back from the city to Paddington at that hour in the morning, but if he were a "privilege" cabman he knew perfectly well that he could go to Liverpool Street and get a fare back. Another matter which the right hon. Baronet had mentioned was that a promise had been given that a Bill of that sort should be sent to a Select Committee. He would remind him that the clause which dealt with "privilege" cabs was entirely based on the recommendation of a Select Committee which sat last year. That select committee had several sittings and a very large amount of evidence was taken both from the cabmen and also on behalf of the railway companies; and the Committee unanimously agreed, without any exception, that it was desirable to abolish the "privilege" system. The cabmen who gave evidence fully realised the position in which the railway companies were placed. They acknowledged that the railway companies were bound to supply the public with conveyances at their stations, and they agreed that if it was found that the obligations of the railway companies to the public could not be fulfilled after the privilege system had been abolished, they would not object to the railway companies reverting to the "privilege" system. The Select Committee's recommendation was that the abolition of the "privilege" system should be tried for one year. The right hon. Gentleman had carried out this recommendation in his Bill, and if the railway companies could prove that sufficient cabs were not available after the "privilege" system was abolished, the companies might revert to that system. Another matter which the cabmen most fully realised was that in the event of the "privilege" system being discontinued and sufficient cabs for railways not being available, the railway companies could provide their own cabs for their passengers' convenience which would affect the cab industry to a very large extent—an industry which already was in a somewhat tottering condition. Then the hon. Baronet had alluded to the power which he said the right hon. Gentleman had taken under the Bill—that of entirely taking away from railway companies the control of their yards. He believed that the right hon. Gentleman had said that this was not the case. He (Sir Samuel Scott) hoped it was not. This was one of the strong recommendations that the Select Committee had made, that it was extremely desirable that the station yard should be under the control of the railway company. He earnestly hoped that his hon. friends on that side of the House would pass the measure. It was very much required in London. He ventured, with all due deference to the great knowledge of the Member for the City of London, to say that he thought he knew as much about the needs of the people of London as the hon. Baronet.

Sir Samuel Scott.

*MR. REES (Montgomery Boroughs) said he still believed, in spite of what had been said, that the cabman existed for the public and not the public for the cabman. He thought that the system, which had been in force for nearly seventy years and had worked well, providing cabs at all hours for railway passengers, had a great deal of good in it. He would appeal to the right hon. Gentleman, who had in this matter endeavoured to meet the cabmen as well as the public, to consider whether the balance of evidence was not in favour of the public rather than of the cabmen. He did not know why cabmen should be protected in the manner suggested against the public interest, and he urged that travellers who were in the habit of arriving at a station like Euston, at four o'clock or five o'clock in the morning, would be put to the greatest inconvenience if the so-called "privilege" system were abolished. The privilege was a privilege of the public, and not of any particular class, trade or interest. Respecting the abolition of the "privilege" system he could only emphasise what had already been said that it would be very hard to retrace their steps and to revert to the "privilege" cab system if once it was given up, though the Home Secretary, with his habitual consideration, had provided for tentative action, and for reversion, if necessary, to the existing conditions in this behalf. It was absurd to argue that the railway companies took up the line they did because of the small sums received on account of the "privilege" cabs which stood in the stations. No one could seriously argue that. For instance, the Great Western Company received something under £2000 a year from the "privilege" cabs at Paddington. This sum was a mere bagatelle to that company. Whether or not a pledge was given with regard to this Bill's going to a Select Committee, he asked the right hon. Gentleman to consider whether there was any objection to its going to a Select Committee instead of to a Standing Committee, or to a Committee of the Whole House. He had not had the advantage possessed by several hon. Members who had spoken of sitting on the Select Committee which reported last year, but he felt sure that the abolition of a system, which did no one any harm, and ensured a cab at the station at any hour of any day or night, would be regretted.

MR. JOHN O'CONNOR (Kildare, N.) desired to interpose for a moment for the purpose of welcoming the Bill, first and foremost because it set to rest a very vexed question among the cabmen of London. There had been a difference of opinion among persons of high legal authority with regard to the legality of motor taximeter cabs, which were plying on the streets of London at the present time. He was sure there had been only an apparent difference of opinion, and that the right hon. Gentleman and those who were acting with him had come to the opinion that taximeter cabs needed to have their position in the streets of London regularised. Inasmuch as this Bill regularised their existence on the streets of the metropolis, he welcomed it, because it would go towards settling a vexed question which undoubtedly prevailed among the cabmen. The only matter to which he wished to call the attention of the right hon. Gentleman was this. The senior Member for the City of London had referred to Section 3 as interfering with the old practice of coaching. This section did not so much interfere with the old practice of coaching as it would undoubtedly interfere with a new practice which had come into operation. The Secretary of State might, according to this section, by general or special order, apply to stage carriages which should have come from some town or place beyond London, or to any owners of stage carriages, any provision of the Acts referring to stage carriages in London. That might work out to be a very vexatious action in the future. It did not at all apply to the old and dying stage coaches in London. They were not at all inconvenient to the travelling public of London. They were not offensive to the travelling public of London. But it might interfere with the motor omnibus traffic from neighbouring towns into London. They knew that very strict regulations were made in regard to the motor omnibus traffic to London; they knew that the police regulations of Scotland Yard were very severe—and he said, very properly severe. He admitted that to allow the motor omnibus traffic of London to be conducted upon the loose manner in which it had been conducted at the beginning in its experimental stages, would not be at all convenient to the people of London. The noise which they created ought to be checked. The rules, regulations, and instructions of Scotland Yard were right and proper so far, but if those regulations were to be applied to the motor omnibus traffic that might come from outside towns into London, it might become inconvenient to the travelling public, and it might become impossible for such companies to establish such traffic.

* MR. GLADSTONE said perhaps he might be allowed to explain that this clause was designed to meet what possibly might happen if any broken-down motor bus might come into London from outside, and run about London without the restrictions and the regulations of the police authority. They had heard of certain plans for buying up derelict motor buses and running them into London from outside. That would not be allowed.

MR. JOHN O'CONNOR said he was glad to have the explanation. If such a thing occurred it would be a very serious thing no doubt, but what he would suggest was that the Committee should guard against any vexatious regulations that would prevent companies in the suburban districts, and beyond the public regulations of London, from establishing such services as would be quite adequate to the needs of the people outside, but which at the same time might be prevented from their operations by any such vexatious conditions. He held no brief for companies of that kind; these evils must be checked, but all regard should be had to the nature of the case for persons plying for hire on the country roads and towns where there was not the necessity for putting severe regulations into operation. He trusted, therefore, that when the rules and regulations came to be made under the Bill no such vexatious provisions would appear in them. The right hon. Gentleman knew quite well that his recent regulations in regard to the taximeter cab were *ultra vires*, and he thought this Bill fairly admitted in the first clause that those regulations were not quite consistent with the law. He sincerely hoped that when he came to make these regulations there would not be words inserted which would put out of operation any companies which might be started for the purpose of accommodating people outside the City of London.

Mr. LAMBTON said he acted as Chairman of the Committee which reported on this subject last year. In answer to his hon. friend the Member for the City of London, he might say that the Committee took most careful evidence from several sources, not only from the cabmen, but from all interests, from the railway company and from the police. But the evidence of the cabmen, the railways, and the police all showed them that the universal opinion was that the privilege system should be abolished. He hoped the Bill would go to a Second Reading without a division, as the Report of the Committee was embodied in it.

Mr. BOWLES (Lambeth, Norwood) said he entirely concurred with his hon. friend in hoping that the Bill would go to a Second Reading without a division. But he would like to make an appeal that it should be sent to a Committee upstairs. The right hon. Gentleman had said it had gone through a Select Committee. That was not, strictly speaking, so. This Bill purported to carry out the recommendations of a Select Committee, but it had never been before a Select Committee, and only part of it had been before a Select Committee at all. It seemed to him, and he hoped the right hon. Gentleman would consider it, that it was exactly the kind of Bill which really could only be properly and adequately dealt with, especially at that time of the session, by a Committee upstairs. The Bill gave the right hon. Gentleman very large powers to deal with evils which they all admitted. The evils were great. The whole point was how the right hon. Gentleman was going to deal with them. It seemed to him that it was exactly the kind of Bill which really ought to be considered, in the interests of everybody, otherwise than in the small hours of the morning.

*Mr. GLADSTONE said it was proposed to send the Bill to a Committee upstairs.

Lord BALCARRES (Lancashire, Chorley) said he wished to enter a word of protest against the third sub-section of the second clause of the Bill. The speech of the Home Secretary was remarkable for one thing, and that was the Government's adhesion to the scheme to abolish the privileged cab system. The speech was full of apologies, but very little evidence whatever was adduced in pressing this view on the House. He thought that was sufficiently shewn by the fact that it was impossible to put this particular clause into operation before a year or two's time. This third sub-section was designed to allow the Home Secretary to repeal the Act which they were asked to pass in the next few days. They asked the House to pass a Bill dealing with taximeters, and in the same Bill the Home Secretary reserved to his Department the right to repeal any part or the whole of the terms of the Statute. No doubt there were certain occasions in which a course of that kind was convenient. It appeared to be one of the rules of the present Secretary of State, and the most recent example was to be found in the Eight Hours' Bill, recently introduced, to take the right to suspend the operation of the Act. It was a sign of the absolute lack of confidence he had in his own measures, and he thought it ought to be a matter of protest in the House that when a Minister of State, occupying the high position of Home Secretary, brought in a Bill, he should make a practice of inserting in that very Bill a condition under which he should have liberty to override it.

Bill read a second time, and committed to a Standing Committee.

Whereupon, Mr. Speaker, pursuant to the Order of the House of the 26th day of July last, adjourned the House without Question put.

Adjourned at twenty-six minutes after One o'clock.

HOUSE OF LORDS.

Thursday, 8th August, 1907.

PRIVATE BILL BUSINESS.

North Staffordshire Railway Bill.—The King's consent signified; and Bill reported from the Select Committee, with Amendments.

London County Council (Tramways and Improvements) Bill.—Read 3^a, with the Amendments; a further Amendment made; Bill passed, and returned to the Commons.

Paisley Corporation Order Confirmation Bill.—Read 3^a (according to Order), and passed.

PETITIONS.

BUTTER AND MARGARINE BILL.

Petitions to be heard by Counsel for amendment of; of the Exeter Grocers' and Provision Dealers' Association; The Grocers' Association of Mullingar, Ireland; The Caerphilly and District Grocers' Association, comprising 50 members of the Trade; The Llandudno and District Grocers' Association; The Tynemouth and District Grocers' Association; read, and ordered to lie on the Table.

MERCHANT SHIPPING (TONNAGE DEDUCTION FOR PROPELLING POWER) BILL.

Petitions to be heard by Counsel against; of Newport Harbour Commissioners; and Port Talbot Railway and Docks Company; read, and ordered to lie on the Table.

An Asterisk (*) at the commencement of a Speech indicates revision by the Member.

RETURNS, REPORTS, ETC.

COLONIES: ANNUAL.

No. 534. Gold Coast (Report for 1906).

BOARD OF AGRICULTURE AND FISHERIES.

Annual Report of proceedings under the Salmon and Freshwater Fisheries Act, &c., &c., for the year 1906.

POST OFFICE (PERU).

Agreement between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Peru, dated 22nd February, 1907, 3rd May, 1907.

ALIENS ACT, 1905.

Returns of alien passengers brought to the United Kingdom from ports in Europe or within the Mediterranean Sea during the three months ended 30th June, 1907; together with the number of expulsion orders made during that period requiring aliens to leave the United Kingdom.

METEOROLOGY.

Second Annual Report of the Meteorological Committee to the Lords Commissioners of His Majesty's Treasury, for the year ended 31st March, 1907.

TRADE REPORTS: ANNUAL SERIES.

No. 3888. Mexico. Presented (by Command), and ordered to lie on the Table.

COUNTY COURTS.

County Court Rules, 1907.

PHARMACY (IRELAND) ACTS, 1875 AND 1890.

Order in Council, dated 6th August, 1907, approving of a regulation made by the Pharmaceutical Society of Ireland. Laid before the House (pursuant to Act), and ordered to lie on the Table.

DIVORCE BILLS.

Return respecting: Laid before the House (pursuant to Order of 16th July last), and to be printed. (No. 163.)

POST OFFICE SITES BILL.

Amendment reported (according to order), and Bill to be read 3^a To-mormow.

EVIDENCE (COLONIAL STATUTES) BILL.

*THE EARL OF ELGIN: My Lords, I need only say a very few sentences in explanation of this Bill. It is brought in in order to remove a grievance which exists in the Colonies from the fact that at present Colonial laws are regarded in English Courts as foreign laws for purposes of proof, and have to be proved by the oral evidence of an expert. This inconvenience was mentioned by the Governor-General of the Commonwealth in 1905 to the late Government, in a case in which a man had been acquitted in England of embezzling his wife's money on the ground of absence of evidence that the Married Woman's Property Act had been adopted in Victoria, and the Ministry of the Commonwealth, through the Governor-General, drew the attention of His Majesty's then Government to the case, and to the advisability of its being considered whether legislation should not be undertaken to remove this inconvenience. The matter was under consideration by the late Government, I believe, but no Bill had been introduced when they left office. The present Government has therefore had the matter before them, and we have introduced the Bill to which I have now to ask your Lordships to give a Second Reading. This Bill provides that copies of all Colonial and Indian laws shall be received as evidence in English Courts if purporting to be printed by the Government printer without further proof, and makes it felony to print, or to tender in evidence, a false copy of any such law. Your Lordships will observe that this applies to laws passed in British Possessions, and the term "British Possessions" is defined in the Bill to mean any part of His Majesty's dominions exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local legislature, shall include both all parts under the central legislature and each part under a local legislature. But there is a proviso also in the Bill that His Majesty may by Order in Council extend the provisions to Cyprus and other Protectorates so that they may have the advantage of them. This Bill has been presented in the other House of Parliament and has been passed without objection. I may mention that it was considered by a Standing Committee of the House, and the only material alteration that was made in it was an alteration in a penalty that appears in one of the clauses of the Bill. Under these circumstances I ask your Lordships to give it a Second Reading.

Moved "That the Bill be now read 2^{a}."—(*The Earl of Elgin.*)

The Earl of Elgin.

*THE EARL OF HALSBURY: It seems to me that no possible harm can be done by the Bill. I confess that some part of what the noble Lord says the Bill accomplishes appears to me to be unnecessary, but I presume he has had advice on the subject, and that he has decided that it is necessary in all the respects he spoke of. But I should have thought that in dealing with a Commonwealth case it was not necessary to prove what the Commonwealth law was, because the Court of Appeal is sitting in theory as a Commonwealth Court.

*LORD ALVERSTONE: My Lords, I should like to say that I think there is a real necessity for the Bill which the noble Lord has introduced. Only a short time ago there was a very important case before us in which there was not the smallest doubt of the existence of certain Australian statutes, but the law officers of Crown were obliged to admit that they could not rely on those statutes because they had not got formal proof of what the law was. I am quite certain that in the interests of justice it is necessary that the Bill which has been introduced to your Lordships should be passed.

On Question, Motion agreed to. Bill read 2^{a}, and committed to a Committee of the Whole House on Monday next.

BUTTER AND MARGARINE BILL.

House in Committee (according to order).

[The Earl of ONSLOW in the Chair.]

Clause 1:—

Drafting Amendments agreed to.

Clause, as amended, agreed to.

Clause 2:—

THE PRESIDENT OF THE BOARD OF AGRICULTURE AND FISHERIES (Earl CARRINGTON), in moving an Amendment to enable any officer of the Local Government Board to take samples, said that the object of the Amendment was simply to give the inspectors of the Local Government Board power to enter the factories, as it was thought better to stop the addition of harmful preservatives at the factories rather than by taking samples at the shops when the article had been distributed from the factory to the retailers.

Amendment moved—

"In page 2, line 13, after the word 'Fisheries' to insert the words 'or of the Local Government Board.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4:—

LORD BALFOUR OF BURLEIGH asked whether the noble Lord in charge of the Bill would explain why milk-blended butter, which was to be known under some name or another to be invented by the Board of Agriculture, and which almost by universal consent seemed to be a very deleterious and objectionable substance, was to be allowed to have more water in it than ordinary good butter, or even than margarine. He knew that it was rather a controversial point, but he would like to hear from the noble Lord exactly the reasons which had induced the Government to give way on behalf of that particular substance.

EARL CARRINGTON: I can hardly accept the definition that this stuff is deleterious and harmful, but I may perhaps answer the noble Lord's question in this way: The limit of water allowed in butter is 16 per cent. and the limit allowed in margarine is 16 per cent. also. Margarine is different stuff from butter; it is a manufactured article and is completely different from butter. But if you limited the amount of moisture or of water in this milk-blended butter, or whatever it may be called in days to come, to 16 per cent., it would not be milk-blended butter at all, it would be simply butter itself. Therefore the only difference between milk-blended butter and butter is that the milk-blended butter is allowed to have 24 per cent. of moisture, while the percentage of moisture in butter is confined to 16 per cent. If the water was pumped or squeezed out of this milk-blended butter it would become butter.

*THE MARQUESS OF LANSDOWNE: Are we to understand that the only difference between the two substances is that the one contains 8 per cent. more water than the other?

EARL CARRINGTON: This manufactured stuff is butter with milk pumped into it—squeezed into it—and of course in milk there is a great percentage of water, and that makes this manufactured article different from butter. That is the only difference between butter and milk-blended butter. Milk-blended butter is butter with milk blended with it, pumped into it, and the consequence is of course that there is more moisture in it than there would be in ordinary butter.

LORD BALFOUR OF BURLEIGH said that he was somewhat comforted by the speech of the noble Lord, because he had received a letter that morning which informed him that milk-blended butter was mainly composed of cocoanut oil. He was glad to hear on the authority of the Board of Agriculture that that was not the case. With regard to the other part of the noble Lord's speech, if there was really no difference between butter and milk-blended butter excepting the extra 8 per cent. of water in the latter, it seemed to him the strongest argument for putting them all on the same footing.

Clause 4 agreed to.

Clause 5:—

EARL CARRINGTON: The next Amendment which stands in my name is one for the insertion of a new paragraph (j) in Section 5 to the effect that butter, margarine, or milk-blended butter containing a preservative prohibited by any regulation made under the Act, or an amount of preservative in excess of the limit allowed by any such regulation, should be included in the list of articles the importation of which is made an offence by Section 1 of the Sale of Food and Drugs Act, 1899. Preservatives are certain acids and other things which are put into this stuff to preserve it, and the object of the Amendment is to prevent boracic acid and other preservatives being put in to a dangerous extent.

Amendment moved—

"In page 3, line 36, after the word 'purpose' to insert the following new paragraph:—'(j) Butter, margarine, or milk-blended butter, which contains a preservative prohibited by any regulation made under this Act or an amount of a preservative in excess of the limit allowed by any such regulation.' "—(*Earl Carrington.*)

On Question, Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 :—

EARL CARRINGTON : I move to leave out the words "curd in samples," and to insert the words "any milk-blended solid other than milk-fat in any sample." That is a technical Amendment, and is intended to give the Board power to determine the amount of either milk-casein or milk-sugar, which in butter shall be regarded as presumptive evidence of adulteration, and the Amendment is moved because it is not clear that the word "curd" includes both these articles.

Amendment moved—

"In page 4, line 32, to leave out the words 'curd in samples,' and to insert the words 'any milk-blended solid other than milk-fat in any sample.' "—(*Earl Carrington.*)

On Question, Amendment agreed to.

EARL CARRINGTON: I also move, in line 33, to leave out from the word "butter" to the end of the clause. There is a proposal to substitute a new clause for the provisions left out.

Amendment moved—

"In line 33, to leave out from the word 'butter' to the end of the clause.—(*Earl Carrington.*)

On Question, Amendment agreed to.

Clause 6, as amended, agreed to.

After Clause 6.

EARL CARRINGTON : I beg to move to insert a new clause. The words proposed to be added seem very formidable, but there really is nothing in them. The clause is only re-drafted and made much longer, and is intended to carry out the intention of paragraph (b) of the provisions of Clause 6. Paragraph (b) was accepted as an Amendment on the Report of the Commons, but it is not very clearly expressed, and the Government propose to insert this new clause in its place.

Amendment moved—

"After Clause 6 to insert the following new clause :—

'(1) The Local Government Board may, after such inquiry as they deem necessary, make regulations for prohibiting the use as a preservative of any substance specified in such regulations in the manufacture or preparation for sale of butter, margarine, or milk-blended butter, or for limiting the extent to which, either generally or as regards any particular substance or substances, preservatives may be used in the manufacture or preparation for sale of butter, margarine, or milk-blended butter.

'(2) Any regulations made under this section shall be notified in the London, Edinburgh, or Dublin *Gazette* as the case may require, and shall also be made known in such other manner as the Local Government Board may direct.

'(3) Any person who manufactures, sells, or exposes or offers for sale, or has in his possession for the purpose of sale, any butter, margarine, or milk-blended butter which contains a preservative prohibited by a regulation under this section or an amount of a preservative in excess of the limit allowed by any such regulation, shall be guilty of an offence under this Act.' "—(*Earl Carrington.*)

New clause agreed to.

Clause 7 :—

EARL CARRINGTON : I beg to move after the word "margarine" to insert the words "or on any package containing margarine, or on any label attached to a parcel of margarine." That is to say, the printed word "margarine" is to be inserted on any package or label as well as on the wrapper in which the margarine is actually handed to the customer in the shop.

Amendment moved—

"In page 5, line 7, after the word 'margarine' to insert the words 'or on any package containing margarine or on any label attached to a parcel of margarine.' "—(*Earl Carrington.*)

On Question, Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8 agreed to.

Clause 9—

EARL CARRINGTON : I move to leave out the words "used as a description of or in connection with milk-blended butter" and to insert "approved as a name under which milk-blended butter may be imported or dealt with." This clause is intended to limit the power of the Board to approve all these fancy names. As the clause stands, it does not limit the Board's power in the matter of milk-blended butter.

Amendment moved—

"In page 6, lines 2 and 3, to leave out 'used as a description of, or in connection with milk-blended butter' and insert 'approved as a name under which milk-blended butter may be imported or dealt with.'"—(*Earl Carrington.*)

LORD BALFOUR OF BURLEIGH: Does the noble Lord intend to christen this stuff himself, or to remit it to a Committee as has been suggested, or can he give us some idea of what sort of title is to be conferred upon this stuff before we lose control altogether of the Bill?

EARL CARRINGTON: I have had a sort of informal meeting with noble Lords opposite, but we have not come to any definite arrangement as to the name. I shall be only too happy to meet any suggestions that may be thrown out by noble Lords opposite.

On Question, Amendment agreed to.

Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11:—

THE EARL OF CAMPERDOWN, in moving an Amendment excepting the adminstrative county of London from the operation of Clause 11, said that perhaps the best way of explaining the meaning of the Amendment was to read the clause as it at present stood—

"Section 8 of the Margarine Act, 1887, shall have effect as if the words 'inspector of weights and measures' were inserted after the word 'nuisances.'"

Section 8 of the Margarine Act of 1887 was to the effect that margarine and so on that was imported was to be duly consigned as margarine—

"And it shall be lawful for any officer of His Majesty's Customs or Inland Revenue, or any medical officer of health, inspector of nuisances, or police constable authorised under Section 136 of the Food and Drugs Act to procure samples for analysis."

One would have supposed, therefore, that there were surely sufficient officers already who were entitled to ask for samples. But in the House of Commons it appeared that in Grand Committee—of which there was no report—this Clause 11 was inserted, the result of which was that in addition to all the officers he had mentioned, the inspector of weights and measures was authorised to ask for samples of margarine. What the special connection of the Inspector of Weights and Measures was with margarine and milk-blended butter he did not know; all he could say was that he was very glad he did not sell either margarine or milk-blended butter, because there were five or six different persons who would be authorised to go into his shop and ask for samples. His natural inclination would have been to move to strike out the clause altogether, on the ground that there were plenty of persons already authorised for the purpose. Surely police officers, medical officers of health, and others, who were already authorised were quite sufficient to ask for samples, but even presuming that on the general question there was some reason for the addition of inspectors of weights and measures he thought there was a special reason why that should not be done in the case of the administrative county of London. In all other boroughs the inspector of weights and measures was appointed by the borough council, the same authority which appointed the inspector of nuisances, but in the administrative county of London the inspector of nuisances was appointed by the boroughs and the inspector of weights and measures was appointed by the London County Council; therefore if their Lordships inserted these words and added no qualification at all, in the administrative county of London they would be creating a duplication of authorities who would have the right to ask for samples. Therefore it seemed to him that, at all events, if they were going to multiply the number of officers who might apply for samples, there was no reason for multiplying the number of authorities who might instruct an officer to call for those samples.

Amendment moved—

"In page 6, line 19, at the beginning of the clause, to insert 'except in the administrative county of London.'"—(*The Earl of Camperdown.*)

LORD CHEYLESMORE, in supporting the Amendment, said that in the small boroughs outside London in many instances the same gentleman performed the duties of inspector of nuisances and inspector of foods and drugs as performed the duties of inspector of weights and measures. The clause, as it stood, would no doubt be of great benefit to the small boroughs outside London, but it would on the other hand not be of benefit to the administrative county of London, for the reason that the noble Earl had given. It would introduce a second authority to administer the Act for London. He could not help thinking that that would be a source of great annoyance to the small traders in London, and it meant also increasing the rates. He had never heard any complaint regarding the way in which the duties of these officers were carried out. As their Lordships were probably aware, there were twenty-eight boroughs in London at the present moment, employing some fifty or sixty inspectors of nuisances to carry out the Act, and a proof of the effectual way in which they carried out their duties was the fact that on the average some 5,000 samples of butter and margarine were taken in each year. The other inspectors were appointed by the London County Council, and if they were introduced into the Bill there would be that dual control which he had mentioned. He therefore hoped that the noble Earl the President of the Board of Agriculture would accept the Amendment, alike on the grounds of economy, of the annoyance that would be caused by this dual inspection, and of the friction that might arise between the two local authorities in administering the same Act.

EARL CARRINGTON: My Lords, I am rather surprised at Lord Camperdown having brought forward this Amendment, because, if I may be permitted to say so, I should have thought that in his well-regulated mind, if this provision had not been in the Bill, it would have been exactly one of the faults which he would have naturally—and I think quite rightly—found with the Bill itself. This clause practically is only to clear up a doubt in the existing law, and all it attempts to do is to make the law uniform, which I think the noble Earl will acknowledge is a desirable thing in itself. The effect of the noble Lord's Amendment would only be to leave the doubt which exists now still existing in London, and I do not think that he would wish to be the author of such a proposal, or the person who insisted on such a state of things continuing. Every weights and measures inspector in England is qualified to take action under every section of the Sale of Food and Drugs Act of 1889, but not under Section 8 of the Margarine Act of 1887, with regard to which there is a doubt as to his powers Clause 11 removes this anomaly, and if this Amendment is accepted, as I said before, it would continue the anomaly as far as London is concerned. The object of the Amendment, the noble Earl told us, is to prevent the London County Council from employing their weights and measures inspectors to take samples in London in place of the inspectors of the boroughs.

THE EARL OF CAMPERDOWN: Not in place of—in addition to.

EARL CARRINGTON: In addition to the inspectors of the boroughs. As the noble Earl said, the inspectors of weights and measures are appointed by the London County Council, while in boroughs they are appointed by the other authorities, and I can assure the noble Lord, who has just done two years such good service as Mayor of Westminster, that there is in no way any attempt to promote friction or cause any annoyance to those boroughs which are doing such signal service for London. The only object of the clause is to clear up the doubt which exists at present in London, and I hope in the interests not only of the borough councils, but of the London County Council itself, that the noble Earl will not press or insist upon his Amendment.

THE EARL OF CAMPERDOWN assured the noble Lord that words failed him to express his sense of the great personal compliments which had been paid to him, but in spite of those compliments he was afraid that the noble Lord had not quite appreciated the object of his Amendment. The noble Earl had said that the words were put in solely to do away with a doubt. His (Lord Camperdown's) objection was of quite a different kind. It was that the words created a confusion and a conflict of jurisdiction. It was quite true that so far as all the other boroughs of the country were concerned the clause merely authorised asking for samples by another of their officers. But in London, as he had already pointed out, the effect of the clause would be quite different. He was afraid that he must press his Amendment.

On Question whether the words "except in the administrative County of London" should be there inserted, their Lordships divided :—Contents, 58 ; Not-Contents, 28.

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Cathcart, E.
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Clinton, L.
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De Mauley, L.
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Clause 11, as amended, agreed to.

Clauses 12 and 13 agreed to.

Standing Committee negatived. The Report of Amendments to be received To-morrow ; and Bill to be printed as amended. (No. 164.)

MERCHANT SHIPPING ACTS AMENDMENT BILL. [H.L.]

Order of the Day for Third Reading read.

Moved "That the Bill be now read 3^a."—(*Lord Ampthill.*)

THE EARL OF GRANARD said that before the Bill was read a third time he wished to explain the position of His Majesty's Government in reference to it. The Bill, from a draftsman's point of view, was not quite all that His Majesty's Government would desire, and in case the Bill was to be re-introduced next year in its present form His Majesty's Government considered that some amendment would be necessary, although they entirely agreed with the principle of the Bill.

On Question, Bill read 3^a, and passed and sent to the Commons.

CRIMINAL APPEAL BILL.

Order of the Day read for House to be put in Committee.

Moved, "That the House do resolve itself into the said Committee."—(*The Lord Chancellor.*)

THE EARL OF HALSBURY: Before the House goes into Committee, I would like to take this opportunity of saying a few words in regard to some of the provisions of this Bill, because really the explanation I wish to make is one that is not applicable to any of the Amendments that I have to move. I am anxious to explain why I do not move a great number of Amendments which appear to me to be appropriate to the Bill as it stands. I confess I entertain very grievous doubts whether the Bill would prove workable, even if it were amended to the extent to which I had wished to amend it. But I have felt that if I had moved all the Amendments which are in my mind to move—for example, upon the question whether or not the Court of Appeal, if constituted, ought to have before it the witnesses, for reasons which I gave on the Second Reading, and which I do not mean to repeat—I quite think that if that Amendment were carried it would be absolutely fatal to the Bill. I quite agree that where you are dealing with the enormous amount of work which undoubtedly would arise if such an Amendment were to pass into law, and if the Bill were to be loaded also with the necessity of having all the witnesses who had been heard before in the original trial, it undoubtedly would be fatal to the Bill, and I assure my noble friend on the Woolsack that it is not my desire—at all events, by indirect means—to wreck the Bill. I am anxious, if it is to pass, that it should pass with as little difficulty in its administration as it is possible to procure. I associate myself with my noble friend in his appeal to your Lordships that one should not be supposed to be excluded from discussing the questions arising here by reason of not being a lawyer. I believe that many of the questions which arise, and which are very broad questions—questions both of policy and of ordinary experience of life—are questions on which your Lordships are quite as well qualified as any lawyer to decide, whether you have been trained as lawyers or not. No doubt a great many of your Lordships have been, in the course of presiding at quarter sessions, very familiar with the administration of justice in the very form in which this Bill brings the matter before one's mind. The only difference, I think, between my noble friend and myself is that I do not think that a lawyer ought to be excluded from having an opinion on the Bill, and that seemed to be rather the tendency in his mind. I think he was good enough to exclude myself from the category of those persons who are always against any amendment, but he attributed that attitude to lawyers generally. I think he was unjust to his profession, because I have heard of Sir Samuel Romilly, who was a lawyer, and I have heard of Jeremy Bentham, concerning whom it is hard to calculate the amount of amendment of the law for which he was responsible, to a greater degree perhaps than anybody else. Whatever may be the real questions we have to determine here they are not technical at all. I have not the least notion how it can be said that any part of this discussion shares any technicality at all. The broad question is whether, when a person has been tried, and tried openly and in the presence of a person who will direct a jury in point of law and to some extent guide their judgment, he ought to be tried again—and, as I understand, the idea of the Bill is that he should be tried again by a Committee of Judges, and tried in private. I disapprove of that. I want to make that protest; but inasmuch as there seems to be a desire in some quarters that there should be what in other aspects they avoid as much as they can—namely, a new trial—I desire that that new trial should be as efficient a new trial as it can be. I only want to make one protest. The noble Lord said that there was apparently in some minds an idea that you could get perfect wisdom and perfect knowledge in a human tribunal. I do not suppose so at all—indeed I go further than the noble Lord, because my impression is that if the first jury made a mistake the second Committee might make a mistake too, and, as I have already said, I do not imagine that you will get what is supposed to be one of the great objects to be achieved by this Bill if you have such a trial as the Bill contemplates before a Committee of Judges.

That is all the protest I wish to make. I have abandoned any idea of amending the Bill in any sense which would be inconsistent with the whole idea of the Bill, and therefore I give up the idea of doing what I had intended to do originally, because I think it would be an indirect way of destroying the Bill.

Let me say with regard to the Amendments I have put down—although I do not wish to discuss them at this preliminary stage—that a good many of them seem to me proper to be suggested to the noble Lord, but if he will not take them as they are, or modify them in any way, I will not press them to a division. They are not intended to obstruct the Bill in any way, but I merely suggest them to him as what I think would be desirable, and if he will take them and mould them in any way according to his fancy I shall be quite content. If not I shall not press them to a division. But there is one Amendment which I must press, and which I will deal with when it comes. On that Amendment I am afraid I shall have to divide the House, because I fear that my noble friend upon the Woolsack and myself are irreconcilably opposed on the particular matter dealt with. I, however, wish the noble Lord to understand, with regard to the other Amendments, that if he will not accept them as they are, or moderate them, I shall certainly not divide the House upon them.

THE LORD CHANCELLOR (Lord LOREBURN): I should be indeed wanting in courtesy to the noble Earl if I did not say a few words in answer to the remarks he has made to your Lordships. I am very sensible of the handsome manner in which he is treating me with regard to this Bill. I hope to be able to accept some of his Amendments, and I should be very glad if I could accept more. I will only say, with regard to the view that the legal profession ought not to be excluded from consideration of this Bill, that that thought never entered into my mind. I should be very ungenerous indeed, and a very unworthy son of the Bar, if I ever entertained such an idea. All I mean is that this ought not to be exclusively regarded as a legal question. There are questions of policy on which lay judgments are just as good as legal judgments, and all I meant when I took the liberty of warning the House against a too implicit reliance upon legal authority was this—that if you search for yourselves the history of legal reform, there is no one who is familiar with it who will not say that with the best intentions and the highest motives the greatest among lawyers have distinguished themselves by resisting the most obvious and necessary reforms. That has been the systematic tendency, and I may mention one instance which occurred only four or five years ago. Before that a man could not give evidence in his own behalf in a criminal Court—an idea scarcely credible. The noble Lord brought in a Bill to amend that state of things, and I had the happiness to assist him. With regard to that measure there was an almost universal chorus of protest among the members of the legal profession. Not more than five years have elapsed since that measure was passed, and I do not think that anyone practising at the Bar or above it would deny that that legislation of four or five years ago has been a most conspicious and real success. It was so stated by the Lord Chief Justice of England last year.

I will not further trouble your Lordships now, but I thought I ought to say a few words to acknowledge the spirit of my noble friend's remarks.

On Question, Motion agreed to.

House in Committee.

Clause 1:—

THE EARL OF HALSBURY, in moving an Amendment substituting the Lord Chancellor for the Lord Chief Justice as one of the nine Judges constituting the Court of Criminal Appeal, said that as this was one of the Amendments to which he had already referred, he thought he ought to say upon it that the whole theory of administration of justice had been to make the Lord Chancellor the Minister of Justice, and it appeared to him that the present Bill was somewhat irregular in dislocating that arrangement and remitting the power in a great measure to the Lord Chief Justice. He was sure that the Lord Chief Justice would not suppose that there was the least idea in his (Lord Halsbury's) mind that he was not perfectly able to do anything that could properly be done, or that his remarks had any reference in any way to a sort of procedence of the hierarchy. But he thought this was an attempt to undo what had been done in the Act of 1875, and to displace the Lord Chancellor from doing what in his opinion he ought to do. The Lord Chancellor ought to be the person to decide upon questions such as this, where they were dealing with selection and so on, and it would be a reversal of the policy that had been found to be useful hitherto to substitute the Lord Chief Justice in the present Bill. For that reason he moved the Amendment, but for the reasons he had already given it was an Amendment which, although he moved it, he would not persist in unless the noble Lord (the Lord Chancellor) himself acquiesced in it.

Amendment moved—

"In page 1, line 9, to leave out 'Lord Chief Justice' and insert 'Lord Chancellor.'"—(*The Earl of Halsbury.*)

THE LORD CHANCELLOR: I hope I can meet the noble Earl in regard to this Amendment, and in regard to two or three of those which follow. I agree to what he says about the Lord Chancellor being the responsible person relating to the administration of justice. But this is an appeal relating to criminal justice As a matter of fact since the time of the Star Chamber the Lord Chancellor has always kept out of criminal trials, and he being an Executive Officer very wisely so acts. Therefore the Lord Chief Justice would practically work the Bill, if I may use a popular expression, but still, in the matter of the selection of Judges, all the Judges will be selected with the consent of the Lord Chancellor or by the Lord Chancellor. If the noble Earl will accept this I think it might meet his views—instead of substituting the Lord Chancellor for the Lord Chief Justice perhaps he will take these words, "appointed for the purpose by the Lord Chief Justice with the consent of the Lord Chancellor." I think that would meet his point and I am quite prepared to move that if the noble Earl will agree to it.

THE EARL OF HALSBURY acquiesced.

Amendment in the form suggested by the Lord Chancellor agreed to.

The Earl of Halsbury.

THE EARL OF HALSBURY, in moving an Amendment substituting the Lord Chancellor for the Lord Chief Justice as the authority vested with the appointment of the Judges constituting the proposed Court of Criminal Appeal, said that in the same section there was a question of the constitution of the Court. He confessed that he was not able to understand why nine Judges should be selected. He thought that it would be a much more appropriate thing that all the Judges of the King's Bench should be Judges in the Criminal Appeal Court; it gave a larger area of choice. He left the question of the selection untouched, or at all events to be dealt with in the way that the Lord Chancellor had suggested, and he wished to enlarge the area within which Judges might be selected for the Court of Appeal. He thought that that proposition had the advantage that great difficulty might be found if it were confined within the narrower limits, and it would be better to widen the area, because it was to be remembered that this was one of the cases in which the mere fact of delay, even a short delay, might be very serious indeed. Taking the case of capital offences the postponement of the decision of any appeal would be an unmixed evil. Nothing could be worse than what they saw in certain countries in that respect. He did not wish to particularise countries, but there were some countries in which the appeal was not heard until a year or two after the offence was committed. That was an unmixed evil, and of course if the area of selection was narrowed it rendered it more likely that there would be delay than otherwise. For that reason he suggested—although he had not himself put down an Amendment—that the whole of the King's Bench Judges should be members of the Court of Appeal.

Amendment moved—

"In page 1, line 14, to leave out 'Lord Chief Justice' and insert 'Lord Chancellor'."—(*The Earl of Halsbury.*)

THE LORD CHANCELLOR: Last year all the High Court Judges were proposed—all the High Court Judges, I think, and all the Court of Appeal.

THE EARL OF HALSBURY: That would include the Equity Judges.

THE LORD CHANCELLOR: Yes, but the reason the change was made in the House of Commons—and it was strongly represented to me—was that it was desirable to have picked—selected—Judges—I mean not picked and selected by the Government at all, but with the consent of the Lord Chief Justice, so that you should have Judges on a rota, familar with the criminal business, and with real knowledge and experience in working this Act, which of course has undoubtedly difficulties in it. I hopc that it will be allowed to remain as it is. The number is surely ample—nine in all. They may sit in three divisions. Three Courts may sit at once. It is quite certain, I think, that there will not be any pressure of work, or any arrear of work, with three Courts able to sit for that purpose. I therefore hope that the noble Earl will be content with a similar Amendment to the one which I suggested before, inasmuch as this relates, after all, to the selection of Judges, which has been always heretofore a function performed by the Lord Chancellor. I therefore suggest that it will be sufficient to say "the Lord Chief Justice of England with the consent of the Lord Chancellor." Will not that be a satisfactory solution ?

*LORD ALVERSTONE suggested that the Lord Chancellor should consider the matter between then and the Report stage. At the present time under the Crown Cases Reserved Act, there were always five Judges, and he thought it would be desirable in the present case to have more than three. He was rather disposed to think that the better course would be to make all the Judges of the King's Bench Division members of the Court, but to leave their selection and the decision as to who should sit from time to time with the Lord Chief Justice with the consent of the Lord Chancellor. That was what was practically going on at the present time, because he himself had the duty of selecting, as Lord Chief Justice, who should sit as Judges in Crown Cases. He did not suppose that the Lord Chancellor wanted to be troubled with the matter at all, and he was rather disposed to think that the better course would be to have all the Judges of the King's Bench Division, and to leave the selection of the others to whomever the Lord Chancellor thought right. He had no desire whatever to intrude himself at all in the matter of the selection of Judges, in the ordinary sense of the word, but he was quite satisfied that the selection of the members of the Court for the actual working of this Bill from day to day must be left in the hands of the Lord Chief Justice ; otherwise the Bill would become unworkable.

THE LORD CHANCELLOR : I need hardly say that I will consider the matter very fully in the sense my noble and learned friend suggests. I will speak to him about it in the interval if he will allow me, and meanwhile I propose that the Amendment should be left as I have suggested, with the understanding that it may be altered on Report after consultation.

*LORD ALVERSTONE: In the first two cases ?

THE LORD CHANCELLOR : Yes.

On Question, Amendment in the form suggested by the Lord Chancellor, agreed to.

*LORD ALVERSTONE moved an Amendment of which the Earl of Halsbury had given notice. He thought that it would be better that if the Lord Chief Justice was not able to preside the senior member of the Court present should be the President of the Court.

Amendment moved—

"In page 1, line 23, to leave out the words 'such member of the Court as the Lord Chief Justice directs' and to insert the words 'the senior member of the Court present.'"—(*Lord Alverstone.*)

THE LORD CHANCELLOR : I think that is very satisfactory, and I think I can accept that now.

On Question, Amendment agreed to.

Clause 1, as amended, agreed to.

Clause 2 agreed to.

Clause 3 :

THE EARL OF HALSBURY, in moving an Amendment providing that a certificate should be obtained from the Judge who originally tried the case that it was a fit case for appeal, said that it was the Amendment upon which, in the remarks he had addressed to the House before their Lordships went into Committee, he had intimated that he should have to ask the House to give an opinion. The Amendment made it a condition that the opinion of the Court of Appeal should not be applied for without the certificate of the learned Judge before whom the person was tried that it was a fit case for appeal. It seemed to him that in order to render it possible to work the Bill care must be taken not to admit frivolous appeals from the 12,000 persons who were tried last year, and the equivalent number, or something like it, who would be tried in the year to come. Was it possible to suppose that everybody would not try as much as they could to get an appeal? Probably they would think that they had some chance, at all events, which at present they had not, and of course they would appeal. Why should they not appeal? It was said, "Oh! but then the Court of Appeal will refuse." But his object was to prevent an application to the Court of Appeal except upon some reasonable grounds, and he submitted to their Lordships that nothing could be more reasonable than that. It was an argument with which they were very familiar in the Courts in civil cases—whether the Judges themselves were satisfied with the verdict. But he did not ask to go so far as that, but merely wished that the Judge should say whether it was a fit case for appeal. It appeared to him that that was the only possibility of making the Bill workable at all. If they allowed a whole flood of appeals to overwhelm the Court of Appeal, not only was the whole litigation of the country sacrificed to get at the one out of 12,000 who ought to have an appeal, but it seemed to him that they would very much imperil the respect for the course of justice if they allowed everybody—even those who might have been convicted half a dozen times before—to have the right of appeal. He put the proposition in the baldest form before the House. Perhaps he might be permitted to use the weapon which the Lord Chancellor himself was fond of using, and to say that this was not a question at all for lawyers. He put it to the plain common sense of the House, what would be the inevitable result of allowing unlimited appeal, because that was what it came to unless they had some check of that sort? He begged to move.

Amendment moved—

"In page 3, line 6, after the word 'appeal,' to insert the words, 'and upon the certificate of the Judge who tried him that it is a fit case for appeal.'"—(*The Earl of Halsbury.*)

THE LORD CHANCELLOR: My Lords, this is an Amendment which really is of a very serious character. When the Bill was first introduced into the House last year the right of appeal was given without qualification, without reserve, without any preliminary permission from anyone being obtained, and that is the state of things that now exists in civil cases. My idea at that time was to place the person whose life, reputation, or liberty might be at stake in as good a position as the person who had £50 or £100 at stake, and if the Law Courts are open to the person who has a small sum of money at stake, ought they not all the more to be open to the man for whom everything he possesses, and all his chances of happiness or prosperity in the future, are at stake? That was the way in which the Bill was first introduced last year. There was unlimited right of appeal. I was pressed and I gave way—I do not know whether unduly so, I hope not—but I accepted the suggestion that it should only be with the leave of the Court of Appeal, and that appears in the Bill. Accordingly, the Bill as it stands at the present moment provides that no man can appeal unless he gets the leave of the Court of Appeal. There is that safeguard against frivolous appeals. About the number of them I will say a word in a moment. Now an additional permission, which was not mentioned last year, is proposed to be inserted by the noble Lord, and not only is the leave of the Court of Appeal to be obtained, but also the permission of the Judge before whom the case is tried.

THE EARL OF HALSBURY: Pardon me—that it is a fit case for appeal—that is all.

THE LORD CHANCELLOR: I beg pardon—I accept the correction—that it is a fit case for appeal, which is exactly the same thing as giving leave of appeal. Surely you will always give leave of appeal if it is a fit case and you will never give leave to appeal if it is not a fit case. Accordingly when you say that there is to be a preliminary bar, namely, that you cannot appeal unless you get the permission of the Judge, and he thinks it is a fit case, it is adding a second safeguard, which, as I venture to submit, is perfectly unnecessary to the exercise of this right, attenuated as it was from the original aspirations that I had, and it is doubly placing a person convicted of a crime at a disadvantage as compared with a person mulcted in damages, or with money at stake. Now what is the effect of the clause? It is putting two gates across the road, or making a man go through two nets before he can get through. I do not, with all respect, see what the reason of that can be, except one reason, and that is the reason of over pressure of business. Have you not an ample safeguard when you say that there can be no appeal unless the Court of Appeal gives leave? Apart from the question of plethora of business—I leave that aside—is there any reason that justice demands why you should not be content with one safeguard, namely, that the Court of Appeal itself should give preliminary leave? The question reduces itself to this. The point is as to whether, for the sake of saving expense and avoiding pressure of business and plethora of work in the Courts, you are to put in this second safeguard for the purpose of barring some who otherwise might have an appeal, and that is a point to which the noble Earl alluded. I begin by saying that there is a great number of persons convicted who know they are guilty, and who plead guilty, and if you examine the Home Office Returns—I am sorry to say I have not got them before me now; I had them last year but I did not appreciate that this point would to-day be raised—your Lordships will find that the number of appeals for mercy, for diminution of sentence, and complaining of unjust convictions are very far less than 1,000. I do not remember the numbers, but they are not very very numerous.

THE EARL OF HALSBURY: Between 600 and 700.

THE LORD CHANCELLOR: I think that is about right—600 or 700. We have it therefore that the number is 600 or 700. Now let us further examine what the nature of those cases is. They are quite short cases, nearly all of them; your Lordships have sat at quarter sessions, and you know that most of the criminal trials are quite short and simple things, and it would not take long to decide whether leave of appeal should be given; you would immediately say, "It is quite obvious this cannot be allowed," and, as has already been said, there are only about 600 or 700 of them altogether. I ask your Lordships not to put an additional bar, and when you are giving a boon—for it is a boon, relieving the feeling of apprehension in the country, which I think is based upon the generous idea that in principle it is better that several guilty men should escape than that one innocent person should suffer—I hope there will not be any unnecessary bar placed in the way of this Bill, and that notwithstanding the admitted and immense authority of the noble Earl in this House I may be able to secure a majority.

*LORD ALVERSTONE said that the speech which the House had just heard from the Lord Chancellor made it necessary that he should trouble their Lordships again with a few observations. He had no intention of repeating the speech he had made last year, especially as he was rejoiced to find that it had made such an impression upon the Leader of the Opposition that he had actually remembered it. He wished to enter a very respectful protest against the suggestion that because he and others ventured to think this Bill required amendment they were opposing reforms of the law. He appealed to his own record, and he was certainly not aware that on any occasion he, although a lawyer, had opposed reforms of the law which had turned out afterwards to be salutary. Certainly his recollection did not concur with the Lord Chancellor's with reference to the state of public feeling at the time when Lord Halsbury's measure was introduced. There was an enormous mass of professional feeling in favour of that Bill. He wanted to bring the mind of the House back to the point suggested by the Amendment of Lord Halsbury. It only applied to appeals upon questions of fact. Lord Halsbury did not propose to interfere with the unlimited right of appeal for mis-reception of evidence, non-reception of evidence, or misdirection of the jury; therefore in the case of an unfair trial, or an improper ruling upon a matter of law, there would be a right of appeal.

But what Lord Halsbury had said, and what he (Lord Alverstone) ventured to submit to their Lordships the Government ought to consider was that they ought to look at the whole question when they were dealing with appeals upon fact. It would be brought out in relief when they considered, as they would in a few minutes, an Amendment as to whether there should be an unconditional right of appeal in capital cases. He could conceive nothing really worse in regard to trials for murder than that they should be invariably—as they would be—tried again before three Judges. But what really would happen? As the Lord Chancellor had said, in the case of a very large proportion of those who were convicted—an extremely large proportion, he believed about 95 to 96 per cent.—there was no question at all about their guilt. Under the present Bill no costs were incurred, counsel might be assigned, and there was therefore every temptation to persons to appeal, especially in the case of those familiar with crime, hardened offenders who had had experience of Courts of Criminal Law. He must again strongly press upon their Lordships that which had never met with any answer from the Lord Chancellor or anybody to whom the argument had been addressed. He felt most seriously the peril in which innocent people would be placed if it was known that there was an appeal upon all cases, even with the leave of the Court. He was satisfied that at the present time it was a great safeguard to innocent people, and a great safeguard to people who were guilty but against whom there was no clear evidence, that juries were told that they ought not to convict unless they were satisfied that the prosecution had made out their case, and that they were the final arbiters on matters of fact. The Lord Chancellor, if he would pardon him for speaking plainly on the matter, had likened this Court of Criminal Appeal to a Court concerned with Civil proceedings, and had said that one was concerned with life or liberty of the subject while the other was concerned with money—with matters involving perhaps £5 or £10. If that was the real comparison, he would go with the Lord Chancellor heart and soul, but he would again point out that the position in criminal cases was entirely different from that in civil cases. In criminal cases there were no two sides. It was the glory of English law that the prosecution had to make out their case, and that the prosecution were told that the *onus* was upon them of proving their case; juries were told by Judges of Assize, over and over again, that they were to be satisfied that the case was made out by the prosecution, and that there was no *onus* upon the prisoner to answer anything unless that case was made out. It must impair the feeling on the part of juries of reluctance to convict in cases of doubt if they thought that their convictions could be set right upon appeal by superior Judges—superior lawyers. That was where the peril of the innocent man came in. Juries, knowing that there was a right of appeal, would be more willing to convict in doubtful cases, and the Court of Appeal would then have no witnesses before them, and they would be obliged to say, "Well, there has been a conviction by a jury who have heard and seen the witnesses, and we think we ought not to interfere in the matter." He had mentioned this last year, and the only observation that he could remember which had been made in reply, was that his fears were absolutely ill-founded. He had had twelve months more experience since he made the speech in question, and he had had the opportunity of talking over the matter with those of his friends who were responsible for the administration of justice, and who desired to see that nobody but guilty people were convicted, and they all felt that this unlimited appeal upon questions of fact would create very serious dangers. There was no such appeal known to the law even in civil cases—namely, that where there had been a trial by jury, Judges were to reverse the findings on fact of the jury. The Lord Chancellor had said—and he entirely agreed—that the motive of the present Bill sprang from generous feelings. He hoped the Lord Chancellor did not exclude those who differed with him from sharing in those generous feelings. They all desired that every possibility of injustice in the administration of the law should be done away with. In the last few years, no doubt, cases had occurred which had roused the public mind. In one and all of them an appeal on fact would not have been of the slightest use, because in some cases the evidence was overwhelming, and in other cases there had been improper trial, which would be dealt with by the Bill as a matter of law.

There was power on the part of the Home Secretary to refer any case to the Court of Appeal, and he asked the Lord Chancellor not to suggest that he and those who thought with him were trying in any way to wreck the Bill. He himself wanted to see it passed. There were many things in the Bill which were most excellent. But as regarded appeals on matters of fact, he thought they ought not to go too far, and take a step which they could not go back upon. It did not seem to him unreasonable that in matters of fact the Judge should be allowed to say, "I think this is a case in which there should be an appeal." He must reluctantly put himself in opposition to the Lord Chancellor in respect of this matter. He desired to assist him always in matters of reform, and he only opposed him on this occasion because, with his great responsibility in these matters, he felt that this unlimited power of application for leave to appeal in matters of fact was going to hamper the Courts for no useful purpose. He thought the Bill went far beyond the necessities of the case, and for that reason he asked the Lord Chancellor to pause before he said that he would not accept the Amendment.

THE LORD CHANCELLOR: I am sorry to trouble your Lordships with a second speech, but the intrinsic importance of the case, and the fact that I cannot conceal from myself that the fate of the Bill rests upon the decision of this matter, leads me to ask your Lordships' indulgence, for a few minutes, in order that I may say a few words further in answer to what has been said by the Lord Chief Justice. Really the speech of the Lord Chief Justice was a speech against allowing an appeal on questions of fact at all. That is what the pith and marrow of his argument was. It was a concession to weakness, and one which therefore might be granted with some safeguard which otherwise would not be justifiable. Now what is the reason—if I may be excused for repeating myself—what is the real reason for saying that there ought not to be an appeal upon questions of fact? There is always an appeal in civil cases upon questions of fact.

THE EARL OF HALSBURY: I cannot agree to that.

THE LORD CHANCELLOR: My noble friend will admit that the Court is open to receive an application for appeal in civil cases, and that is all I ask here. I ask for the same right in criminal cases as already exists in civil cases. The Court is open to receive an application for appeal in civil cases; I ask that it should be open to receive an application for appeal in criminal cases too. Decisions of Courts on questions of fact are constantly being reversed or corrected in Courts of Appeal. What does the Court of Appeal in England do all the year round, sitting in two divisions, except correct the mistakes in decisions on fact or in law which have taken place at trial? And the fact that they are so occupied, and that they are constantly reversing decisions of the Courts below, and then that their decisions in turn come to your Lordships' House—and we are working very hard here—shows that there is a liability to error. I want to argue this not as a matter of feeling but as a matter of reason. There is a liability to error which affects Courts, Judges, and juries in the same way as it affects all of us, the only difference in the case of your Lordships' House being that as there is no Court of Appeal to sit over us. our errors are never detected and exposed, as very often they might be if there was a Court of Appeal over us. That is the case in civil Courts. Will anyone explain to me by what miracle of nature the same men sitting as Judges, when they don the scarlet and ermine and are accompanied by trumpeters at Assize Courts——

*LORD ALVERSTONE: The question has nothing to do with trumpeters.

THE LORD CHANCELLOR: I withdraw the expression at once. I had no idea of saying anything offensive.

*LORD ALVERSTONE: The question depends upon entirely different considerations.

THE LORD CHANCELLOR: When they appear in their dignity as Judges in a Criminal Court why are they more free from liability to error than they are in a Civil Court? That is what I cannot understand, and I have never been able to understand it. That is precisely one of those points which I say the lay mind can judge as well as anybody else. It cannot be said that the Judges are inspired in the one case and not in the other. They do their best, and show great learning and great knowledge, and they have earned the confidence of the civilised world. That I fully admit, and no one feels it more than I do; but there is liability to error, and if it exists in civil cases, and demonstrably exists, why are we to suppose that it never exists and that infallibility is substituted when the scene is changed to a Criminal Court? But it is only partial infallibility after all, because it is admitted that there ought to be an appeal upon points of law, although it is not admitted that there ought to be an appeal upon points of fact. The argument appears to be that when you go into a Criminal Court the Judge and the jury may make mistakes upon points of law but cannot make mistakes upon points of fact.

I would like to say one word about the theory that if you do not stop cases on their way to the Court of Appeal you will put in jeopardy the innocent. Just let me appeal again to the lay mind. I have done so already, and I am ashamed to repeat it, but I must do so, for I am really practically alone in fighting this Bill, because after all it requires technical knowledge. What on earth—if I may ask the question—is the ground for supposing that a jury will not do their duty, but will sacrifice innocent men, merely because they know that with the leave of the Court there may be an appeal? I do not believe that that will be so, and I put it to every one of your Lordships whether it is in the least degree human, or likely, or in accordance with our nature, that when we are sitting as a jury or as Judges trying a man for his liberty or his life—whatever you please—we are going to say at the back of our minds, "Oh, there is a Court of Criminal Appeal, and the prisoner can get an appeal possibly: therefore we will not give the same attention to the case that we would otherwise give." Is this true of human nature? Is it true of Judges, or of juries, or of Chairmen of Quarter Sessions? I submit that it is not, and if that is the only argument then the only argument for not allowing appeals upon questions of fact disappears.

Let me correct one more thing. What is asked by this Amendment is that the Judge who presided at the trial should certify that it is a fit case for appeal. What case? Not merely trials of fact; his certificate must be obtained not where it is a question of fact alone, or mixed law and fact, but upon any other ground which appears sufficient. If this Amendment were accepted you might discover afterwards some new evidence (some crushing conclusive evidence) and yet, the certificate of the Judge not having been obtained, it would be impossible to have an appeal against the verdict of the jury. I respectfully submit to your Lordships that this is an Amendment which ought not to be allowed, and that it is really an Amendment of a very serious kind, and one which is likely to have most serious effects upon a Bill which I hope your Lordships all desire to see passed.

The EARL of HALSBURY regretted having to speak again on the subject, but he thought the Lord Chancellor had failed to understand the objection of the Lord Chief Justice. The Lord Chancellor was arguing as though only one single mind was applied to a particular case. That was not so at all. It had happened again and again that juries were very much divided—some being for conviction and some for acquittal. There was not an assize and not a sessions in which that condition of things did not arise. What was the temptation when they had that condition of things, and when they had, perhaps, one member of the jury objecting on one side or the other, whether for acquittal or conviction? Was it not a temptation for the jury to say, "Well we are not agreed, but the Court of Appeal will set it right; let us return our verdict in accordance with the opinion of the majority"? It seemed to him that that would almost invariably happen. The noble Lord upon the Woolsack would not appreciate, apparently, what their objection was. The analogy which had been evoked over and over again as between the Civil and Criminal Courts was no analogy. The Lord Chancellor himself could not deny that there was no analogy. In the one case they had a plaintiff and a defendant, but in the other case there was simply a prisoner on trial, with whom the sympathy always rested, because he was on his trial, and every Judge on the Bench and every Chairman of Quarter Sessions told the jury, "You must not convict unless the case has been brought home beyond all reasonable doubt." When the jury were told that, that was one thing; but if they disagreed under this new provision it would be said, if there were a majority for conviction, "Oh, do not let us discuss it any more, because the Court of Appeal will set it right." Was not that a thing likely to mislead people? He thought it was, particularly if the jury had been kept very long in Court, under conditions which were not always conditions of extreme comfort. He could not help thinking that under such circumstances it was not in human nature not yield to such temptation.

*LORD ASHBOURNE said that his noble and learned friend the Lord Chancellor had remarked that it might be that late in the day new evidence of a startling character might be found, and that it might be found after the certificate of the Judge had been given. It might also be found after the decision of the Court of Appeal refusing the appeal. But there was always the Home Office open. If anything new turned up which required investigation the Bill wisely provided that the jurisdiction of the Home Office remained unimpaired. The real point that struck him in the Amendment of his noble and learned friend Lord Halsbury was this: Why was it regarded as wise or common-sense to exclude from giving an early opinion upon a trial that had taken place the Judge who had tried it and who knew most about it? Why should not the Judge who had presided at the trial, who had listened to every atom of the evidence, who knew every point that had been stated, be encouraged without delay to give his opinion? He approved of the Bill in principle, though some of the details were in his opinion open to criticism. It was an important subject, and it was a very great experiment. He had no doubt whatever that later on the Bill would require amendment, but he desired the Bill now to pass in the best form possible. It was not in dispute that there should be a Court of Criminal Appeal. The Amendment did not challenge that there was to be an appeal upon any legal point. Nor did the Amendment challenge that it was open to any person convicted to appeal against his sentence. That was not in question. All that was in controversy was whether it was wise and reasonable to permit the judge who had presided at a criminal trial to say whether the case was a fit case for appeal. Surely if their Lordships would look at the common-sense aspect of the question, and put aside everything relating to technicality and law, the Amendment was reasonable. Here was a great change in which 10,000 or 12,000 persons who had been convicted were suddenly told, "You may appeal not only upon law, not only upon your sentence, but upon the facts." The Bill itself showed that that was so wide as to be dangerous, and if 10,000 or 12,000 people, the great majority of whom it was to be assumed were clearly guilty upon a perfectly satisfactory trial, were told without qualification that the Appeal Court was open, it was obvious that unless leave to appeal was required it would flood the tribunal.

THE LORD CHANCELLOR: I gave it as a concession last year.

*LORD ASHBOURNE said he supposed the concession was given because it was thought to be just. The Bill was brought in this year, and they were now dealing with the Bill in an amended form—he thought in an improved form in many particulars—but the changes introduced to meet the obvious suggestion that the Courts would be flooded and congested to an unworkable point, showed that the Courts could not be left open without some check, and that leave must be given by somebody. He submitted that that was common sense. There was, further, the safeguard that if a man appealed wildly, recklessly and without grounds, he was admonished that his sentence might take an upward tendency instead of a downward tendency. That was a further check. Was it not a wise element of safeguard to introduce this also—not to forbid an appeal, but to say that the Judge who tried the case might give his opinion that it was a fit case to be brought into the Court of Appeal? He himself was unable to see any valid reason why the experience, the observation, and the ability of the Judge who tried the case might not be brought in to aid in this great question.

THE LORD CHANCELLOR: It is, in Section 8.

*LORD ASHBOURNE said he was aware that the Judge might be asked to give his report, and he hoped on the Report Stage to present an Amendment upon that, and to require that in every case the Judge be asked to give a report of his opinion. He was quite conscious of that clause, and he thought it was imperfect because it was incomplete. He was quite alive to the fact that the Court of Appeal might, and of course in nine cases out of ten would, ask for such a report. The point he was on now was why should not the Judge, when all the facts were present to his mind, when he knew everything connected with the case and every point, not give an opinion and say whether such and such a case was fit for an appeal? They must have some confidence in those who fulfilled the great position of Judges. He admitted that there was a distinction in the position of Judges presiding at assizes. The Judges who went on circuit filled the great position of King's Bench Judges and they also would supply those who would sit in the Court of Criminal Appeal. Was it not reasonable to permit those Judges of Criminal Appeal when they had presided at a trial to say, "This is a fit case to go before the Court of which I may myself be a member?" The Lord Chancellor had spoken about the distinction between civil and criminal courts. Of course there was a difference, but there was a considerable analogy, and they had a right to take the teachings of that analogy as far as it went. In a civil case they must all bear in mind that if the verdict of the jury was set aside the consequence generally would be a new trial. There were other Judges, of course, besides King's Bench Judges, and that was a matter that might suggest a certain measure of criticism. Chairmen of quarter sessions and recorders were often men of great ability, and often men with a considerable knowledge of law. They presided at many trials but of course they were not in the same position, or clothed with the same rank or authority, as King's Bench Judges; but he was not aware how any ready distinction could well be drawn between them, although, if any could be suggested, he would himself be quite willing to consider it. The Lord Chancellor had alluded to this Amendment as if it were some startling and novel reform suggested by his noble and learned friend. This reform was not a suggestion of yesterday, or of to-day, or of the year before. It had been dealt with as far back as 1879 by the Royal Commission on the Criminal Law Code—a great Commission presided over by Lord Blackburn and other distinguished judges—recommended this very thing, that the leave of the Judge who presided at the trial should be obtained. There was a Select Committee of the House of Commons about twenty years ago recommending the same thing. It was not novel—it was what one might expect to find in a criminal code. He himself was not at all wedded to the particular words that found their place in the present Amendment, but he would himself desire—because he thought it would be in furtherance of justice and common sense—to utilise in every reasonable way the opinion and the knowledge of the Judge who presided at the trial.

There was a point which should never be lost sight of in reference to the advantage of this Bill, and the openness of the Court to appeals upon questions of fact. That was the Home Office. He did not know the figures, but he had seen in the papers in the last few days that there were some 2,000 petitions or more presented to the Home Office every year. There might be more—he did not know the exact figures. But power was given in this Bill to the Home Office to refer any case which came before it to the Court of Criminal Appeal. What a number of cases that at once gave, without the permission or leave of any Court or any Judge, that might find their way into the Court of Criminal Appeal. The criminal had only, instead of presenting his petition through the machinery of this Bill, to present a petition to the Home Office, and if the capable and trained advisers of the Home Secretary were of opinion that there was a fair reasonable case made, they had perfect jurisdiction under this Bill to send the appeal on to the Court of Criminal Appeal without anyone's consent or anybody's leave. The question in his opinion was one of importance. One of the great difficulties in the Bill was as to its workability. He was quite in favour of the Bill giving the relief that it sought to give, and setting up a Court of Criminal Appeal but the great question was — would it be workable?

The danger of its being unworkable would be found very soon after it passed into law. If it was blocked by a great rush of appellants and petitioners, it would be imperilled. It would be a great difficulty for the Judges to succeed in coping with their work, and in laying down and methodising their rules. He was of opinion that the Amendment suggested by his noble and learned friend, or some such Amendment, would be desirable, because it would tend to make the Bill work more smoothly, and to make its provisions capable of application without so much friction and difficulty, and he thought it might tend to check the presentation of petitions in frivolous cases, where there was very little chance or prospect of anything but disappointment awaiting those who had unwarily presented very thoughtless petitions.

LORD COLLINS could not help think-that the Lord Chancellor, to some extent, failed to appreciate the character of this Amendment. He thought that, rightly understood, it was calculated to give full effect to the avowed intention of the Lord Chancellor himself. It was agreed on all sides that this was a great new departure. It was the granting of an appeal on questions of fact in criminal cases. It was therefore clearly advisable, and the Lord Chancellor had admitted it, that that right ought to be fenced about with adequate safeguards. The Lord Chancellor had based his arguments largely upon the analogy of civil cases. But in civil cases they had to deal with points of law, and in a sense sometimes questions of fact became points of law. Where the element of misdirection entered, or even where the verdict was thought to be against the weight of evidence—both those heads were treated as headings of law, and the error was accordingly as to a point of law. But still the Courts in civil cases had felt that where the question, although nominally one of law—giving the right to ask for a new trial—was really a question of evidence, the first and most essential factor in dealing with that by the Court was to ascertain the opinion of the Judge who had tried the case. All those who had sat in Courts of review knew that where the question in review was, as it sometimes was, though not so often as it was upon other grounds, as to whether or not the verdict was against the weight of evidence, the first thing that was insisted upon was the necessity of finding out what was the opinion of the Judge at the trial. He admitted that nowadays, when Courts were sitting in London to review cases while the Judges were on circuit, it was very often difficult or impossible to ascertain what the opinion of the Judge was, but still the theory was that it ought to be known, and immense weight was attached to it when it was known. But now they were not dealing with civil cases—questions of pounds, shillings and pence—they were dealing with a more important issue, the liberty, the character, or, it might be, even the life of the prisoner. Therefore, it seemed to him that as it was regarded as a useful provision in civil cases, it should be regarded as an indispensable provision in criminal cases, and that it should only be on the certificate of the Judge that appeal should be allowed. Here the ultimate question was, aye or no, did the jury go wrong in point of fact, did they disregard the evidence, and it was essential that the person best entitled to give an opinion upon the matter should be consulted. Therefore he thought they were giving full effect to the principles stated by the Lord Chancellor, and assimilating the Bill in that respect—as he desired it should be assimilated in other respects—to the civil procedure of the country. He made these observations with no desire to oppose any obstacle to the passing of the Bill, though in many respects he confessed he did not think it was quite so good as that introduced by the Lord Chancellor upon the recommendation of the Beck Committee. As, however, he had been Chairman of that Committee, it might be that he was somewhat prejudiced in favour of its recommendations.

LORD COLERIDGE remarked that the last speaker had expressed a wish to assimilate the present Bill to the procedure in the civil Courts, and he had introduced the fact that the Courts of review in this country desired first of all to know, as a guide to their decision, what was the opinion of the Judge who had tried the case. The noble Earl had forgotten the procedure in the present Bill. If he would read Clause 8 he would see that —

> "The Judge or Chairman of any Court before whom a person is convicted shall, in the case of an appeal under this Act against the conviction or against the sentence, or in the case of an application for leave to appeal under this Act, furnish to the Registrar, in accordance with the Rules of Court, his notes of the trial; and in the case of an appeal against sentence only, and in any other case if he thinks it desirable in the interests of justice to do so, or if required by the Court of Criminal Appeal, shall also furnish to the Registrar in accordance with Rules of Court, a report giving his opinion upon the case, or upon any point arising in the case."

Therefore it seemed to him that if the Bill remained as it was, unamended, it did in this matter assimilate the criminal procedure of the future to the present procedure in regard to civil cases. But the noble Lord wanted to differentiate the two proceedings, and to say that in criminal matters the report of the Judge should be a bar to the appeal. He would like to ask the noble Lord whether he would wish to introduce that principle into appeals in civil matters. The noble Lord had sat long in Court of civil appeal: would he like, looking back upon the past, to have said that in any case where the Judge had reported in favour of the jury, that should be a bar to the Court of Appeal entertaining the idea as to whether or not the verdict was against the weight of evidence? It seemed to him that the noble Lord in his argument, trenchant as it was, forgot the provisions of Clause 8. He would like to ask one question. The Court of Criminal Appeal under the Bill was enabled to hear fresh evidence, and it was given large powers to enable it to do so, because it was considered that only on the power of hearing and summoning fresh evidence could justice be done. What power, if this Amendment was carried, was given to the Judge of first instance either to hear fresh evidence, or to summon fresh evidence for the purpose of assisting his mind? None. Therefore his certificate must be based, and based solely, upon the evidence called at the trial before him, excluding the possibility of having recourse to any fresh evidence or having any powers placed in his hands to enable him to summon fresh evidence, or to see fresh documents for the purpose of enlightening or guiding his mind. It seemed to him, therefore, that if this Amendment was carried, it would absolutely defeat the whole object of the Bill. The Bill was introduced last year and this year, owing to what? Owing to the existence of grave dissatisfaction at this very provision of the law which the noble Lord now wanted to introduce, namely, that the Judge of first instance should have to give leave before any appeal on a point of law could come before the Court of Criminal Appeal. That was the object of the movement outside in the public world; it was the object of that movement to get rid of that initial difficulty, and to enable persons to appeal without that bar being placed in their way.

LORD ALVERSTONE: That only relates to matters of law, not of fact.

LORD COLERIDGE said that he was perfectly well aware of that, but if there was dissatisfaction in the public mind that there should be a bar in matters of law, would there not be a still greater dissatisfaction in the public mind if there were to be a bar also in matters of fact? It seemed to him that the proposed Amendment cut at the root of the Bill, and he trusted that before the Amendment was carried, some of the objections with regard to its working might be answered.

LORD HEMPHILL said that it was impossible to hear the speeches that had been made by the noble Lords opposite without being struck with their great importance and ability. But at the same time those speeches appeared to him to be not *ad idem* to the Amendment now before their Lordships, because the Amendment required that the Judge at the trial should give a certificate of leave to appeal, superadded as he read the Amendment——

THE EARL OF HALSBURY: "Fit case for appeal."

LORD HEMPHILL said that as he read the Amendment, it was to be a certificate that it was a fit case—that was to say, in substance it was liberty to appeal.

THE EARL OF HALSBURY: No, no—"fit case for appeal."

Lord HEMPHILL said he had not the Amendment before him, but the sense of it was as he had stated. How would the fact of the Judge's giving a certificate that it was a fit case, answer the objection so forcibly put by the Lord Chief Justice? The Lord Chief Justice said that if the jury were indolent or doubting—or if some of them were indolent or doubting—they might be influenced to consent to a verdict, thinking that it would be ultimately in the power of the Court of Appeal to alter or reverse that verdict. He did not see how the fact of the Judge at the trial being required to give a certificate would in any way obviate that. As it was, leave to appeal must be given by the Court above. If there was no leave of appeal required by the Court above, or no application for leave to appeal contemplated, then indeed he thought that it would be very reasonable that there should be a certificate given by the Judge who had heard the case that it was a fit case. There was one argument more, which to his mind had not been anticipated, or at least put forward, by their Lordships. Would it not be placing a Judge in a very invidious and odious position to throw upon him in a capital case the odium of refusing a certificate that it was a fit case? He could not imagine a more painful position for a Judge to be placed in in a case of treason, in a case of capital felony, or in a case involving some aggravated political issue, than that he should be called upon to withhold from the prisoner the opportunity of going to a higher Court. The noble Lord, Lord Coleridge, had pointed out that this certificate of the Judge at the trial precluded the possibility of any advantage arising from after-discovered evidence. It was impossible to answer that question. It was impossible for the Judge at the trial to be assured that something might not turn up which would alter the aspect of the case. He could very well understand noble Lords being against appeal in criminal cases at all. He thought that was a question which was open to a great deal of debate, but it seemed to be conceded by noble Lords opposite, and especially by Lord Ashbourne, that it was desirable that there should be an appeal in criminal as well as in civil cases on matters of law. On that postulate he said with the utmost respect that this Amendment was unnecessary, that it was more than unnecessary, it was mischievous, and that it would place the Judge who was called upon to exercise that discretion in a most odious and invidious position.

On Question whether the words "and upon the certificate of the Judge who tried him that it is a fit case for appeal" be there inserted, their Lordships divided:—Contents, 54; Not-Contents, 32.

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THE EARL OF HALSBURY, in moving the omission of the proviso at the end of Clause 3 giving the right of appeal to a person convicted upon a charge involving sentence of death, said this Amendment was one which he thought would receive the assent of a great many persons who were favourable to the passing of the Bill. It was an Amendment which was proposed at the very last moment, not under the authority of the Government at all, giving an absolute right of appeal to every person capitally convicted. Let anyone imagine what the condition of things was. This was a thing about which there could be no doubt—that everybody, under these circumstances, would appeal. It was impossible to exaggerate the evil that would be done by that. The postponement of the execution of the sentence was one evil, no doubt, but he thought that a much greater one was the sort of feeling that must be induced by every person who was convicted, appealing and having the matter discussed over again whether or not the conviction was proper. He did not want to repeat what he had said before, but nobody who had witnessed a trial for murder in the English Courts would have failed to recognise the minute and severe care with which everything was done, and to say that there should be an appeal against sentence of death in every case was really to him intolerable. It was not in the purview of the Bill originally, and he did not think the Lord Chancellor could think it would aid the administration of justice to have such a right of appeal as that introduced.

Amendment moved—

"In page 3, line 13, to leave out from the word 'law' to the end of the clause."—(*The Earl of Halsbury.*)

THE LORD CHANCELLOR: I will tell your Lordships exactly what my feeling is about this. What I am saying is not in the least, I assure the noble Earl, affected by anything except a cool view of the whole clause as it stands. I should not have offered any strong resistance to the proposal to omit this clause, were it not for the consideration of the Amendment that has just been passed by the House. If that is persisted in by the House, what will be the result assuming the Bill passes? The result will be that you will have a man sentenced to death, and not allowed to go to the Court of Appeal by the interdict of the Judge who tried the case. Just think of the situation that is created by that. I think it would be a very unfortunate result, and for that reason alone I hope this Amendment will not be persisted in. Think of the situation created now. A man is tried and sentenced. Feelings are aroused—and wise men take account of feelings and try and persuade the world, and satisfy it, as I think we do, that justice is openly and fairly administered. A man is tried and sentenced. There is a good deal of doubt about his guilt or innocence. The Judge, very able, very honourable, and very upright, is supposed to have taken a "view," and he says, "No, this is a painful ordeal, but I do not see that it is a fit case"—and it would be stopped from going to the Appeal Court.

THE EARL OF HALSBURY: Why should it not be?

THE LORD CHANCELLOR: I know the noble Earl thinks it should not, but I think that that creates a situation which might lead to strain, and which would not be in the interests of justice. That is my only feeling in regard to this clause.

*LORD ALVERSTONE wished to point out, if the Lord Chancellor would not think him impertinent, that his Lordship had really overlooked the provisions of the Bill. Every case of murder must be tried at the assizes, and therefore, in the first place, was presided over by one of the King's Bench Judges. Every case of murder went at once to the Home Secretary and was most carefully considered by him, and he consulted the Judge, and by Clause (a) of Section 19 that case could be sent at once by the Home Secretary for Appeal. Therefore the suggestion of barring a man's appeal was not consistent with the Bill. But he would respectfully point out that there was something to be said on the other side. The Lord Chancellor had said that because the House had inserted the Amendment which had just been carried, this clause ought to stand. Could there be anything really worse than that there should be, as there would be in every murder case, for there was nothing to prevent it—an appeal lodged by someone, and got up, as the Lord Chancellor knew perfectly well was very often the case, by people who had not any knowledge of the case. He was satisfied that in no case where there was any doubt would any Judge of the High Court say that it was not a fit case for appeal; and even if he did, the Home Secretary could send it there at once over his head. Therefore, he thought it was not quite giving fair weight to what the House had decided to say that that decision made any difference in the present case.

THE LORD CHANCELLOR: I am not in the least chiding or complaining. I am a Member of the House, though I very seldom vote with the majority—I hope I may some day. But I accept, as every man does, the decision of the House, and I have not made any complaint. I am only trying to point out the result. It is quite true that every Judge who tries a case will do his duty. I believe he will, whether there is an appeal or not, do his very, very best. But we all know that it is precisely because the very best Judges, with the very best intentions, take "views" that appeals are necessary.

LORD ALVERSTONE: In murder cases?

THE LORD CHANCELLOR: They do take "views," and they might perfectly honourably make mistakes in murder cases as well as in other cases. But at all events there is a feeling that you cannot get to the Court of Appeal. I had the Home Secretary in my mind. What you can do is this. You can get to the Court of Appeal by leave of the Home Secretary, and the consequence is you are just re-introducing the very system that is thought so unsatisfactory. I hope the noble Earl will think that I want to act loyally towards him, and I do not suppose it is any use our offering opposition to the noble Earl if he wishes to go to a division.

LORD ASHBOURNE said he did not like to hear the Lord Chancellor speak as if the reason was all on his side of the House and the voting all on theirs. Let them take the particular Amendment, and consider it by itself, on its own merits and its own words. That was the way the clause stood until almost the last hour of going to Committee.

THE LORD CHANCELLOR: But for the last Amendment I should not have resisted it.

LORD ASHBOURNE said he quite recognised that, but the Amendment introduced in another place was not defensible on its own merits. It weakened the sense of responsibility in the very case where it was most desirable that it should be kept, so that the jury should feel that they were the arbiters of a man's life or death, and that upon them rested an immense responsibility which could not be devolved upon anybody else. The interest of the unfortunate criminal would be, of course, to rush into the Court of Appeal, and everyone would see that that was a matter which was evidently open to the gravest objection, and the proposal could not stand serious criticism. If any Judge felt that in such an immense question as a man's life any kind of doubt was involved, he would at once say, "This is a fit case for appeal." If he did not do it, all the man had to do was to send in a memorial to the Home Office, and if the Home Office thought there was any kind of reason for an appeal, the matter would go to the Court of Criminal Appeal.

On Question, Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4:—

THE LORD CHANCELLOR: I think this clause wants alteration, and I imagine the noble Earl will agree with me that it does. I am very happy to agree with him in any way, and I hope he will agree with me in this. I propose the Amendment that I have inserted in the Paper, so that the clause shall read in this way:—

> "The Court of Criminal Appeal on any such appeal against conviction shall allow the appeal, if they think that the verdict of the jury should be set aside on the ground that it is unreasonable or cannot be supported, having regard to the evidence, or that the judgment of the Court before whom the appellant was convicted should be set aside on the ground of a wrong decision of any question of law, or that upon any ground there was a miscarriage of justice."

Amendment moved—

> "In page 3, line 22, to leave out from the word 'on' to the word 'or' in line 24, and to insert the words 'the ground that it is unreasonable or cannot be supported, having regard to the evidence."

> "In line 27, to leave out the words 'or fact or of mixed law and fact,' and insert the words 'or that on any ground there was a miscarriage of justice.'"—(*The Lord Chancellor.*)

THE EARL OF HALSBURY: I quite agree with that.

On Question, Amendment agreed to.

THE LORD CHANCELLOR: I do not know whether I am too particular, but I think it is best to put in the words "warranted in law by the verdict." It may be that it is implicitly contained in the clause, but I think it is best to insert those words.

Amendment moved—

> "In page 4, line 1, after the word 'sentence' to insert the words 'warranted in law by the verdict.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:—

THE LORD CHANCELLOR: This is very much the same, my Lords; it is really to carry out what is the purpose of the clause. I beg to move.

Amendment moved—

> "In page 4, line 9, after the word 'proper' to insert the words 'and as may be warranted in law by the verdict on the count or part of the indictment on which the Court consider that the appellant has been properly convicted.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Lord Loreburn.

Further drafting Amendments agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7:—

THE LORD CHANCELLOR: I wish to put in a provision that the rules that are to be made shall enable any convicted person to present his case and argument in writing instead of by oral argument, and that any case or argument so presented shall be considered by the Court. That will make it unnecessary for an appellant who is a poor man either to attend and appeal himself or to send a solicitor; he may send a written application.

Amendment moved—

> "In page 5, line 28, after the word 'conviction' to insert the words 'such rules shall enable any convicted person to present his case and his argument in writing instead of by oral argument if he so desires. Any case or argument so presented shall be considered by the Court.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8 agreed to.

Clause 9:—

THE LORD CHANCELLOR: The purpose of this Amendment is this; according to the Bill as it stands now evidence may be taken by the Court, and I think this is quite clear—that no sentence ought to be increased by reason of any new evidence that is not before the jury.

Amendment moved—

> "In page 7, line 14, to leave out subsection (*f*). In line 19, after the word 'Court' to insert the words 'provided that in no case shall any sentence be increased by reason of or in consideration of any evidence that was not given at the trial.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Clause 9, as amended, agreed to..

Clause 10 agreed to.

Clauses 11 to 14 agreed to.

Clause 15:—

LORD ALVERSTONE said he did not wish to move a formal Amendment, but he hoped the Lord Chancellor would kindly consider this clause between then and the Report stage. He was quite satisfied that in its present form it would never work, and that it was only interposing the Registrar to put papers in order for the Court. But his real objection was that if the Bill was going to be worked—as he was sure it would be—loyally and effectually, it was the Court of Appeal which ought to decide whether a case was one which should be dealt with summarily. He did not like deputing or delegating to any official, however good he might be, the duty of picking out certain cases and saying that they were so unsubstantial that they ought to be referred to the Court at once for decision. He thought the Lord Chancellor would bear him out in saying that very often it was impossiable to tell, until a case had been partially inquired into, whether or not there was any substantial point in it, and he thought it would be putting the appellant at a disadvantage if the Registrar was to be allowed to pick out cases and say, "These appear to me to be frivolous, and they ought to be dealt with summarily." Let the Court do its work itself. It was important work, and ought to be gravely done, and feeling, as he did, that this was a new jurisdiction of a very important character, he objected on principle to anybody under the *status* of a Judge saying that cases were such that they should be dealt with in a summary way. He was sure it would increase the work, and he hoped the Lord Chancellor would be kind enough to consider, between then and the Report stage, whether that subsection ought to stand. If it did stand, it would require either very considerable additional enactments, or else to be supplemented by rules.

THE LORD CHANCELLOR: I will of course consider the matter, and I shall be very glad if my noble and learned friend will speak to me about it. Of course the purpose of the clause is, not to allow the registrar to decide anything, but if he sees anything which is really absurd—as for example a claim to appeal on the ground of some great public event or anything of that sort—he may show it to the Court in order that the Court may deal with it. It is, after all, only a very small matter, but as I say, I am quite willing to consider it.

Clause 15 agreed to.

Clause 16:—

THE LORD CHANCELLOR: I have a small Amendment to move with reference to the matter of the shorthand notes; I want to put in the words "directed to be made by the registrar."

Amendment moved—

"In page 10, line 29, to leave out the word 'required' and insert the words 'directed to be made by the registrar."—(*The Lord Chancellor.*)

Amendment agreed to.

Clause 16, as amended, agreed to.

Clause 17 agreed to.

Clause 18:—

THE LORD CHANCELLOR: I want to say a word if I may—but I am afraid the noble Earl (Lord Halsbury) is away—about this clause. I should like upon Report to make a little alteration in the clause. I think it is anomalous that the Court of Criminal Appeal should sit, and that their registrar should sit alongside of them as one of the Rule Committee, and that there should be different people, clerks of the peace and so forth. I think the form of words ought to be varied, so as to bring in "with the consent of the Lord Chancellor, with the advice and assistance of the Committee hereinafter mentioned."

LORD ASHBOURNE: A point that occurs to me is this. I am sure it is a mere slip, but this clause provides that the Rule Committee may act by any five of their number, and according to the way the clause is drafted it is quite possible to make up the five without putting on a single Judge.

LORD ALVERSTONE: That would be met by the alteration which the Lord Chancellor proposes.

Clause 18 agreed to.

Remaining clauses agreed to.

Standing Committee negatived. The Report of Amendments to be received on Monday next, and Bill to be printed as amended. (No. 165.)

FATAL ACCIDENTS (DAMAGES) BILL [H.L.].

House in Committee (according to Order).

Lord BALFOUR of BURLEIGH said he knew it required a certain amount of indulgence on the part of the House for him to raise any question in connection with this Bill, because, after all, it was purely a legal matter, and he did not know whether or not he ought to appeal to the noble Lord in charge of the Bill for an answer. The noble Lord (Lord Courtney) had made himself responsible for the Bill, and had introduced it at a very late period of the session, and under circumstances which, he thought, were not altogether convenient. But it might be that the point on which he wanted information was one upon which only someone learned in the law could satisfy him. The words of Clause 1 were very wide. They enacted that there should not be taken into account any sum paid or payable on the death of a deceased person—deceased by accident, of course, that meant—under any contract of assurance or insurance, whether made before or after the passing of the Act. They had all recently had very serious obligations put upon them, as householders, with regard to their domestic servants and others, if they should happen to meet with death in the course of the discharge of their service. The point he wanted to put was this. Supposing, as a prudent man, he had insured his servant's life against accidents, and he was killed. He thought he was right in supposing that if he paid the premiums, and took out the policy in his own name, the amount insured would be paid to him, and he could use it as a set-off against the amount in which he was cast for damages. For instance, if the verdict of the jury said that the widow was to have £500, and he had taken out a policy for £300, he understood that in that case he would only have to pay £200. Against that he had nothing to say. But if, before the passing of this Act, he had givem his servant the premiums, or had taken out the policy in his servant's name, then would not the effect of the Bill be that he would not only have to pay the whole £500 which the jury awarded to the widow, but that the widow would also get the proceeds of the policy of insurance ? If that were so, he thought it was very unfair, and at any rate he thought they ought to know what they were doing. That was the first of the two questions to which he wanted an answer. Then there was a larger question even than that. Men dealt with their savings in different ways. Some men were provident by laying up sums year by year, and investing them. He could understand a man young in life thinking he had a better chance of getting a better sum for those he might leave behind him by taking that course than by insuring his life, and if it was the case that a man did that, and accumulated a considerable sum, and left it behind him, would not that be regarded as a set-off in the same way as if he had taken out a policy of insurance ? He spoke with diffidence, but he understood the definition of Lord Campbell's Act was this—that the damages given were not to be sentimental damages, but that the widow, or other person left behind, was to be put in the same pecuniary position as she would have been in if the husband had not been killed. Now if the interpretation of the law was amended—as he was afraid it was—by the Bill, he thought they would be giving a wholly undue preference to thrift by insurance as compared with thrift by any other means. He did not wish to enlarge upon it—he was painfully aware that it was a matter which was perhaps rather too intricate and subtle for a layman to deal with—but he thought that considering the number of people affected by the Act which had been passed last year, obliging them to pay compensation in the case of the death of their servants, the case was one of sufficient importance to have been dealt with earlier in the session, and with greater deliberation than was possible at the present time. However, he had done his duty in calling attention to the matter, and he would feel very much obliged if those who were really responsible would answer his question.

Lord COURTNEY OF PENWITH said the noble Lord had appealed to him, but he had also, at the same time, appealed to a higher authority. He confessed that he himself was not so learned in the law as to be able to give the noble Lord a perfectly satisfactory answer. But in answer to the first Question, he might say that the Bill, of course, only applied to actions taken under Lord Campbell's Act, and the effect of it was simply that in assessing the damages which might be obtained by the friends and dependants of a deceased man under that Act there should not be deducted from the amount of damages payable to the deceased's representatives any amount which might be paid under a policy of insurance taken out on the deceased man's life. In the case put by the noble Lord, of a man taking out a policy to provide against a loss which might be sustained under the Workmen's Compensation Act of last year, there could be no doubt that in such a case the master took out a policy of insurance, and the master received the amount of that policy of insurance, which helped him to pay the compensation awarded. In that sense it was deducted from the amount which he had to pay, but it was not deducted from the amount received by the deceased man's representatives. That, he took it, was the right view of the case. Then the noble Lord had suggested that possibly a master might have taken out a policy and given it to his servant. If that was the case—and he confessed he thought it was an extremely unusual and unlikely case—then a question might arise as to whether the representatives of the man would not be entitled both to the policy and to the compensation. But if such an unlikely case should occur—he was not aware that it had occurred—it was one which could be immediately rectified, because the policy could be dropped, and a new policy taken out in the name of the master, to insure him against the loss to which he was subject, in certain events, under the Act, and to the extent of that policy he would receive the money to help him to pay the compensation which would otherwise be payable by him without any such help. Then the noble Lord had asked whether the provisions of the Bill did not give preference to thrift by insurance as against thrift by saving. He had no doubt it was open to question whether there should be any deduction whatever from the compensation paid to the representatives of deceased men through negligence of another, on account of the fact that the deceased man had saved money. But this Bill was directed expressly to the injustice which had arisen under the operation of Lord Campbell's Act in respect to policies of insurance, which he might remind their Lordships had been dealt with in two private Acts this year. It was to that purpose, and to that purpose alone, that the Bill was directed, and it was that evil alone which was sought to be remedied. A further Bill might hereafter be necessary to make the law logical in all its application, but he submitted that it was no reason for delaying the present Bill to say that it was possible to conceive of other cases in which the operation of the law of damages told improperly against thrift exercised by a man who saved money otherwise than by taking out a policy of insurance.

LORD ALVERSTONE thought that the noble Lord had answered the questions of Lord Balfour of Burleigh, but he himself would have liked to hear something about the provisions of the Bill itself. It appeared that a man might be absolutely insured against the very accident that killed him, and yet the master might have to pay compensation in full, even though the dependants of the deceased man might be receiving the full amount awarded under the policy of insurance. That principle might be right or it might be wrong, but it was a principle to which he did not think the House ought to assent without argument.

LORD STANLEY OF ALDERLEY quite admitted that if a man insured his servant, and took out the policy of insurance in the name of his servant in January of this year, the policy to run to December, there might be a few months during which the servant might get the amount insured under that policy and also get compensation. But that was a very transient risk, because of course no employer would in future dream of taking out a policy in the name of his servant. Therefore it was a very accidental and chance risk that might arise, and not one of any great importance with reference to permanent legislation.

THE LORD CHANCELLOR said that this was a Bill which both he and the other members of His Majesty's Government were very anxious to see passed. The noble Lord (Lord Balfour of Burleigh) had asked—he did not know whether he was aware of it—questions in reference to one of the most difficult points of the law, namely, the measurement of damages. He would answer the noble Lord's questions in three sentences. The noble Lord's first question was whether, if he insured himself against having to pay damages to a servant under the new Act, he would have to pay not only the damages to the servant, but also the money he got from the insurance policy. No, he would get that for himself. The second question was whether, if he were bountiful enough to hand over to his servant a policy taken out at his own cost, the servant would then get the benefit of that policy. Yes, because he would have made a present to the servant, and it was his own act which had conferred that benefit upon the servant. The third question was, what was the difference in fairness between the case of a man killed by the negligence of another, he being himself a wealthy man, leaving his dependants well off by invested money, and the case of a man who had insured his life? The answer to that was that under Lord Campbell's Act the law took into account the sum of money, or the other advantages, left to the widow and children. But in the case of an insurance policy, there was a difference in some respects, because it was a policy effected against the accident, the benefit of which only arose upon the death itself, and to give that benefit to the person who was in the position of being the defendant in the action would be to give the benefit to the wrong-doer—the person guilty of negligence.

Bill reported without Amendment. Standing Committee negatived; and Bill to be read 3ª to-morrow.

SALMON AND FRESH WATER FISHERIES BILL [H.L.].

Commons Amendments considered (according to order).

EARL CARRINGTON: My Lords, I have only one Amendment to move, and that is an Amendment to Clause 4 of the Bill. That clause prescribes the machinery for making Provisional Orders under this Bill. The procedure is that the Board must make a local inquiry before making an Order. After the draft Order is made they may hold a second local inquiry if objections are made to the Order. The clause has been amended in the Commons so as to provide that the Board must hold a second local inquiry if the county council object to the Order, and, therefore, the clause would read thus—

> "The Board of Agriculture and Fisheries may, if they think it expedient, and shall if any county council objects to the draft Order, hold a local inquiry by an inspector or other officer of the Board with respect to any objections made to the draft Order, and shall after considering all such objections and the Report of the officer who held the inquiry (if any) thereon, settle the terms of the draft Order."

I beg to move that the Commons Amendments be considered. The other two Amendments on Clause 6 are merely privilege Amendments, which I need not read, inserting the words, "at the expense of the county councils." I beg to move that the Commons Amendment to the Salmon and Freshwater Fisheries Bill be agreed to.

Moved, "That the Commons Amendments be agreed to."—(*Earl Carrington.*)

LORD NEWTON asked why the Amendments did not appear on the Paper. The explanation of the noble Earl might have been extremely lucid, but he could not follow it altogether. The method adopted on this occasion did not seem a satisfactory kind of precedent, and he would be glad if the noble Lord would be good enough to explain why the Amendments had not been printed.

EARL CARRINGTON: If the noble Lord wishes, I can take it to-morrow, but the Amendments are really very formal—there is really nothing in them—and the one I tried to explain to the House is the only one that requires explanation. The others are merely privilege Amendments, and I therefore hope that the noble Lord will not raise any objections.

LORD NEWTON said he did not want to raise any objection, but it seemed to him rather an unbusiness-like way of doing things. He hoped the same principle was not going to be applied to all the other Bills which were coming before the House.

On Question, Motion agreed to.

PUBLIC HEALTH BILL.

Order of the Day for the Second Reading read.

*Lord ALLENDALE: My Lords, I am glad to think—and I am sure your Lordships will all be very much relieved to hear—that this formidable-looking Bill of 95 clauses—formidable, I think, at any time of the session, but especially when introduced into this House at this period of the session—will not necessitate any long introduction from me. I must, indeed, frankly admit that I should not be capable of giving it even if it were necessary for me to do so. It is a Bill which I think has been agreed upon substantially, and I have no doubt that Lord Onslow will be able to explain to your Lordships a little more about it than I can.

From time to time, as your Lordships are aware, particular local authorities bring in Bills for local Acts containing various provisions as to sanitary and police matters. These provisions are carefully considered by a Special Committee of the House of Commons, called the Police and Sanitary Committee, and also by the Chairman of Committees in the House of Lords. The consequence is that there are a number of clauses the provisions of which are seldom or never refused by Parliament when local authorities apply for them. The Police and Sanitary Committee have on several occasions in recent years referred in their Reports to the desirability of including in a Public Act many of the provisions which are so frequently introduced into Bills for local Acts and accepted by Parliament. Some of the clauses in this Bill are adoptive, and arrangements can be made under which they, or such of them as are needed in a particular district, can be put in force. The local authority will be able to obtain the benefit of those clauses of this Bill which will apply to their particular locality without being obliged to promote a Bill in Parliament at considerable expense. I believe the Lord Chairman agrees to the expediency of this being done, and it will be remembered by your Lordships that on the 7th March last my noble friend Lord Onslow called attention to the large number of local Acts which were passed in recent sessions for private Bills introduced for conferring sanitary powers upon particular authorities, and that he asked whether the time had not arrived for the extension of the Public Acts. In reply my noble friend Lord Carrington expressed sympathy on behalf of the Government with the object of the present Bill.

It may be mentioned that a somewhat similar Bill to this was passed in the year 1893, amending an Act of the same character of 1875. This has proved of very much service, and up to the end of last year I may say that 965 urban and 360 rural authorities had adopted the whole or portions of the Act. The present Bill was introduced into the House of Commons by Mr. Wilson, who at present occupies the position of Chairman of the Police and Sanitary Committee, which at one time, as your Lordships know, was occupied, to the great advantage of the public, by Lord Fitzmaurice. This Bill has undergone considerable revision in Standing Committee in another place, and all clauses likely to be controversial have been eliminated, while various necessary alterations were made in other clauses at the instance of the Local Government Board and of the Secretary of State. The Bill was supported by the Government in the House of Commons, although it was a Private Member's Bill, and it was starred by the Government at the Report stage, as they think it very important that the Bill should be passed this session, and if it had not been starred, as your Lordships are aware, there would have been no chance of its being made law this session.

The Bill is divided into ten parts, which deal with such matters as streets and buildings, sanitary provisions, infectious diseases, common lodging houses, recreation grounds, police, fire brigades, sky signs and hoardings, and other miscellaneous subjects. As I say, care has been taken to eliminate any clauses that might have led to controversy. Clause 3, which is rather an important clause, provides that on the application of the local authority the Local Government Board, or, as regards police clauses, the Secretary of State, may declare any section to be in force in a particular district, and that, as I have said before, will obviate the necessity and the great expense of local authorities coming to Parliament for special Bills.

It appears to be unnecessary to go further into the provisions of the Bill, even if there were time to do so. As I say, I believe it contains no novel or controversial proposals, and the Government cordially hope that it will be passed this session. I see that Lord Onslow has put down a notice that in the event of the Bill being read a second time by the House it be referred to a Select Committee. The Government, on the understanding that such Committee would meet forthwith and examine the Bill with a view to see that it answers its purpose—the purpose which I have described generally to your Lordships—and also on the understanding that the passing of the measure would not be endangered, would be prepared to assent to that course. But of course it must be realised that if any serious objection is taken to the Bill, or any substantial alteration made, it will be quite impossible for the Bill to become law this session.

Moved, "That the Bill be now read 2ª."—(*Lord Allendale.*)

* THE EARL OF ONSLOW: The noble Lord has very truly said that when I inquired whether His Majesty's Government would be disposed to accept a Bill amending the Public Health Act I was received with much sympathy by the President of the Board of Agriculture, but was afforded very little hope that anything would be done. However, by the enterprise of the gentleman referred to in the other House of Parliament who prepared this Bill, the Bill has now been laid upon the Table of your Lordships' House. I regret that some clauses, at any rate, which the noble Lord described as being possibly contentious have been struck out of the Bill, because I think many of them would have been of considerable value. However, I welcome the Bill as far as it goes, and I am glad that its Second Reading has been moved, not by a private Member of your Lordships' House, but by the noble Lord who represents the Local Government Board. The reason I shall presently ask your Lordships to send the Bill to a small Select Committee is that in the course of its passage in another place it has been materially altered in many points of drafting. It was originally intended to represent the clauses which are usually introduced into private Bills as revised by the Police and Sanitary Committee in another place, and by my Department in your Lordships' House, but it bears now upon it the stamp of the drafting of the Local Government Board, and I think that before your Lordships pass it into law it is very desirable that the Bill should be carefully examined—not upon any material points of policy or of procedure, but mainly to see that it falls in line with the various local Acts which have been passed in different parts of England. I think that a Bill of this kind is desirable every few years, and I hope, therefore, that your Lordships will give it a Second Reading. I also hope that you will accede to the Motion which I shall presently make, in regard to which I will undertake that it will be a very short time before the Bill is returned to your Lordships' House. The acceptance of my Motion will save your Lordships' time, because the matters with which the Bills deals will be fully discussed in Committee, and your Lordships will then have an opportunity of considering the Report of the Committee, and furthermore the referring of it to a Committee will in no way interfere with any noble Lord who may wish to add to or amend the Bill doing so at a subsequent stage.

* THE MARQUESS OF LANSDOWNE: I am very glad that the noble Lord intends to move that this Bill be referred to a Select Committee. An inquiry of the kind may afford a very valuable opportunity to any noble Lords who desire to make suggestions in regard to the Bill. My attention was drawn to it by some friends of mine who mentioned to me a particular clause of the Bill. It is Clause 75, which deals with the question of recreation grounds. That is a clause which, as drawn, appears to put it in the power of local authorities to make use of premises connected with these recreation grounds for the purpose of carrying on a trade in intoxicating liquors. That seems to me to be a very dangerous permission, and I think the matter requires to be looked into. But this led me to make some inquiries into the Parliamentary history of this

Bill, which is really rather a remarkable one. The Lord Chairman said something a moment ago of the enterprise which had been shown by its promotors. Let me tell your Lordships how that enterprise operated. I am told—and the noble Lord who is in charge of the Bill will no doubt correct me if I have been misinformed—that the Bill was referred to the Standing Committee on the 1st July. It then contained 142 clauses. The Committee dealt with it in one sitting. There were alterations covering 65 pages. During half the time no quorum of the Committee was present. The question of the regularity of the proceedings was afterwards raised in the House of Commons, and the Chairman of the Committee admitted fully that there had been irregularity. The Bill was thereupon re-committed. It came back to the House on the 29th July with 97 alterations, and it was not reprinted until the Report stage of the Bill had been taken at half-past three in the morning. The particular clause in which I have taken a slight interest was never before the House of Commons at all. It was not in the Bill at all on the occasion of the Second Reading, and when the Report stage was reached at an early hour of the morning the clause in question was not in print. We hear a great deal in these days of the manner in which we transact our proceedings, and I venture to think that if we ever have to make a collection of the curiosities of Parliamentary life the case which I have described to your Lordships will deserve a place in our museum.

*LORD FITZMAURICE: Perhaps I may be able to throw a little light upon some of the points which have been mentioned, and I venture to do so because my noble friend who introduced this Bill mentioned my name in connection with it, I having been some time Chairman of the Police and Sanitary Committee of the House of Commons, from the prolonged labours of which Committee this Bill has originated. Year after year, not only in the year in which I was Chairman, but long before and after, Reports came from that Committee under the chairmanship of such men as Mr. Walter Long (who I think may really be said to have been the founder of these proposals), Sir Henry Fowler, Mr. McKenna, and others, suggesting that the time had come when all these multifarious clauses which were put into private Bills, and in regard to which a certain similarity of practice had grown up, should be incorporated, as in 1890, in one Bill, so as to save the local authorities the enormous expense and waste of time which they are put to by each of them individually having to bring in private Bills of their own. Nevertheless it was only gradually that agreement could be come to upon many of these questions. But now at length, owing largely to the labours of the gentleman whose name has been mentioned, and of whom I think no praise can possibly be too high—I mean Mr. Wilson—the present Bill has been prepared. I had the advantage of Mr. Wilson's presence on the Committee, and—I say it in no spirit of flattery—any success the Committee obtained under my chairmanship was very largely due to his presence and assistance; and he very naturally, in the course of time, became chairman of it. Now the time has come, I think in the opinion of everybody, when those clauses can be, with great public advantage, incorporated in one Bill, following the precedent of 1890. If any criticism can be made it is that probably this might have been done with advantage some years ago. But there were certain rather controversial questions involved in these matters; and, when the Bill was brought in, I understand that some of those matters, which still remained slightly controversial, were in the Bill. They, however, fortunately, as I should think, for the progress of the Bill, though on its merits I regret them, were removed at one stage or another in the House of Commons in order to facilitate the undisputed passage of the Bill. I allude more particularly to what are known as the milk clauses of the Bill, with regard to which there was an old controversy, which I was in hopes had terminated, as to what were the powers to be given to local authorities to inspect dairies and other places outside their own jurisdiction. I understand, however, that the President of the Local Government Board has got another Bill which, even if it does not pass this year, will deal with this question very largely, and will certainly be brought before Parliament next year. Then there was also a question about slaughter-houses, with regard to which, I may remind the House, the noble Lord brought in last year a Bill with which I personally had every sympathy. But there again controversy arose, because there was a very powerful interest represented by the butchers of the country, who thought, like Alexander the Coppersmith of old, that their industry was going to suffer some great harm; and those clauses also were removed. Then there were clauses relating to a matter which I remember because it was more prominent than any other while I was chairman of the Committee—clauses relating to that very interesting and exciting topic as to when a common drain was to become a sewer. I am sure the Lord Chairman will agree with me that that question has caused in its time, and to him personally no doubt as Chairman, a very great amount of trouble and anxiety. But I understand that those clauses have also disappeared, because at length, after many years, it has been found possible to get a decision from the High Court to clear away the interesting accumulation, if I may use the expression, of legal rubbish which had got piled up around this apparently simple but really very complicated question. Therefore, the net result is, that by this decision the Bill practically became an undisputed Bill; and, although I think nobody can possibly complain of the noble Marquess' (the Marquess of Lansdowne) having called attention to what passed in the House of Commons, yet, as a matter of fact, the explanation is very simple, namely, that when this Bill really got into Committee and at subsequent stages it had become practically an undisputed Bill, and as people considered that there was going to be no controversy in the Committee, it was thought that it would be allowed to pass through in the rather rapid—and I admit theoretically peculiar—manner which the noble Marquess has not unnaturally mentioned to your Lordships' House. I hope I have been able to give the explanation of those circumstances; and if there are any cases like that which was mentioned just now of power to grant licences for alcoholic liquors having crept into the Bill in some unobserved and objectionable manner, I think the Committee will have no difficulty in dealing with them. But I most earnestly hope that, after the years of labour given by the Police and Sanitary Committee of the House of Commons, this Bill may be allowed to pass into law. And I hope your Lordships will also allow me to say that the Government, in starring this Bill, have desired to show that the charge which is occasionally made—as I think unjustly—against those who sit on this side of the House and against this Government, that they are bringing in large and controversial measures and forgetting the large and important, though humbler, class of legislation which deals with the social interests of the people and those matters which come home to them in their hearths and homes, is not a just one, and that one proof of it is that the Government has taken under its protection, with every desire of passing it even late in the session, this long and, I venture to say, important Bill in order that it may find its way at last on to the Statute-book.

On Question, Motion agreed to. Bill read 2ª accordingly.

THE EARL OF ONSLOW: I now move that the Bill be referred to a Select Committee. And, in doing so, I venture to say that I hope your Lordships will not expect the Select Committee either to re-insert any of those somewhat controversial clauses which have been referred to, or, I am afraid, to deal very exhaustively with the question raised by the noble Lord the Marquess of Lansdowne. I quite agree that it is a very important question, and one which it would be better to leave to the House. As I said before, the House will have ample opportunities of considering the Bill at a later stage; and I am looking merely to the work of the Committee to put it into proper drafting shape, so that your Lordships may, when it comes back from the Committee, consider any important points of policy which may arise upon the Bill.

Moved "That the Bill be referred to a Select Committee."—(*The Earl of Onslow.*)

*LORD ALLENDALE: As I indicated in the few remarks which I made in moving the Second Reading of the Bill, I concur on behalf of the Government with the proposal of the Lord Chairman to refer the measure to a Select Committee. With reference to the remark made by the Marquess of Lansdowne a little while ago, I have just been informed that the clause in question to which he took exception, although for some reason it was not printed in the Bill, had been in print for a month, and had been discussed by the Committee; but, owing to some informality, it was not included in the Bill.

On Question, Motion agreed to, and ordered accordingly.

FINANCE BILL.

Read 3ª (according to order), and passed.

VACCINATION BILL.

House in Committee, (according to order.)

Clause 1 :—

LORD BALFOUR OF BURLEIGH said he desired to move to leave out of line 11 the words "either parent or such other person as the case may be" in order to insert "he." The purport of the Amendment was to put the Bill back into the very form in which the Government introduced it in the other House of Parliament. On its introduction, it was stated perfectly correctly that the Bill was intended to substitute a statutory declaration for the certificate of exemption now to be obtained by the conscientious objector, and it put the responsibility of making that declaration upon the same person as was responsible for the custody of the child, upon the only person subject to the penalty, thus maintaining the law on a perfectly logical basis. It had the additional advantage claimed for it of giving a fair chance of exercising the privilege. Assuming that the English law should be what it was made in 1898—he was not going to raise any controversial question on that—he thought the original proposal of the Government would be a better method of carrying out the law than that which now obtained in the Bill. In some mysterious way during the passage of the Bill through the other House of Parliament a change had been imposed upon the Government. He believed it was contrary to their will that they should be obliged to accept the proposal which entitled either parent to make the declaration. It was not easy to find out the reason for this change, for there was no official record kept of the proceedings in the Standing Committee. It was not possible to refer to any volume of *Hansard*, but he had had, by accident, put into his hand a paper called *The Vaccination Inquirer.* It was not a class of literature which he generally spent much time in reading, but he was bound to say for its credit that it was extremely useful on this occasion, and it gave what he had no doubt was as correct an account as they could make it of the proceedings in the Committee. It was, at any rate, perfectly clear that both the President of the Local Government Board, Mr. John Burns, and Dr. Macnamara, his Parliamentary Secretary, did all they possible could to prevent the Committee adopting the Amendment. They and others used, in his opinion, very cogent arguments against it. They pointed out that it was a revolutionary change in English law, and that up to the present it had been a universal proposition that the primary responsibility for the child rested on the father. The father was the responsible person to see that the child went to school and that he or she was vaccinated, and the law looked to him to carry out all the obligations of parentage. He thought it was obviously right, and so far as he had seen from the paper the only argument that was used against it was that it might take the father from a day's work to make the statutory declaration. He doubted even whether that was correct, because the next speaker said that there were 30,000 persons in England qualified to take the declaration which the parent now had to make, and surely on a Saturday afternoon, or at some time when the father was at leisure, he could make the declaration. If it were to be a choice between the two parents as to who was to walk any distance to do it, surely it would be fairer and more right that the obligation should be put upon the father than upon the mother, who had a great deal to do. He was hopeful that, after what Mr. Burns and Dr. Macnamara had said in the other House and in the Committee, they would not have to go to a division upon the subject. He had, however, another argument to use. He thought, as their Lordships knew, it was wrong that the Scottish law should be changed and assimilated to the English law. He was beaten upon that largely by the influence of the noble Viscount on the front bench, who made a speech which had great power with their Lordships. The force of the speech was that it was not competent to make a difference between English and Scottish law. He now appealed to those who were influenced by the argument. If they were going to keep the law in the two countries the same, they must put the Bill back into the condition in which it was introduced. It was the Government's first proposal that the obligation should be put upon the male parent, and that was their deliberate opinion still, because, after the proceedings of the Committee, they introduced the Scottish Bill in the same form as they originally introduced this Bill. If they were sinners, they were impenitent sinners. He appealed to them to adhere to their original view and to be consistent. He would not labour the point, but he hoped he would hear that the Government were willing to accept the Amendment.

Amendment moved—

"In line 11, leave out the words 'either parent or such other person as may be' and insert the word 'be'"—(*Lord Balfour of Burleigh.*

*Lord ALLENDALE said the Government could not accept the Amendment. The provision as to the parent or other person having the custody of the child making application for exemption was governed by Section 2 of the Vaccination Act, 1878, and the effect of that was to render it necessary for the father, under ordinary circumstances, to obtain the certificate of conscientious objection, he being the person liable for prosecution for neglect to have the child vaccinated. The mother was not as the law stood in such a case eligible to attend. The Bill proposed to substitute a statutory declaration for the certificate of exemption required under the Act which had been referred to. The Bill, as introduced, followed the terms of Section 2 of the Act of 1898, and it would, under ordinary circumstances have rendered it necessary for the father to make the declaration just as he had hitherto been the person to obtain the certificate of conscientious exemption. Lord Balfour said he wished to restore the Bill to that condition. It was altered in Standing Committee. The Government were beaten over it, and they proposed to take their defeat. An Amendment in Committee was proposed by Mr. Pickersgill to substitute for the word "he" the words "either parent, or such other person as the case may be," and as he had said, it was carried. The considerations which had been urged by Lord Balfour of Burleigh were present to the Government's mind when the Bill was framed, but there could be no doubt although the noble Lord minimised it, that cases did occur in which it was inconvenient and difficult for the father to attend and obtain the exemption certificate, and the mother could more readily do so. It had to be borne in mind that, if the father desired to have the child vaccinated, he could have it vaccinated, even though the mother had made the declaration. The feeling in favour of so altering the Bill as to allow either parent to apply for exemption was very strong, both in the Standing Committee and in the House of Commons itself, and the Government were of opinion that the decision of the Committee reflected the view of the majority of the House and that the Bill, as amended should stand. Lord Balfour had tried to draw an analogy between the English and Scottish Bills. He did not know exactly why there should be two Bills, but he assumed that this was necessitated by the fact that there already existed some difference in the procedure on each side of the border. At all events he was only concerned with the English Bill. He was not conversant with the practice of vaccination in Scotland, but he presumed that the procedure there was in some points different from the procedure in England. He would remind their Lordships that the English Bill had been through the House of Commons and that objection was taken in their Lordships' House to the Scottish Bill on Second Reading, owing to its having been introduced at a late period of the session, and not having been through the House of Commons. He did not know what might be done in another place with regard to assimilating the two Bills. The Government had considered the Amendment very carefully, and they thought the Bill, as amended, and which they believed to be the overwhelming opinion of the House of Commons should now stand.

Viscount St. ALDWYN thought the noble Lord who had just sat down had really made out his noble friend's case. He had stated that the view of the Government itself was that the obligation should remain on the father as it was imposed by the Vaccination Act, and as, no doubt, it ought properly to remain. The Government held that view so strongly that they actually brought in the Scottish Bill in their Lordships' House precisely in that form, although they had been beaten in the matter in the Standing Committee of the House of Commons. He thought it was perfectly obvious that they ought to adhere to the law as it at present stood and that the father ought to be the person to obtain the statutory declaration. He had heard it urged as a grievance that under the present law the father had to lose a day's work for the purpose of attending the petty sessions, where alone he could obtain the certificate of exemption. That was possibly an objection with some force in it, but anyone could make a statutory declaration before the persons qualified to receive it at almost any hour of the day or night. Only the other day a labouring man came to him about his dinner hour, and of course he willingly received his statutory declaration. Any magistrate would do the same, so that there could be no difficulty about the matter so far as the father was concerned, and he hoped their Lordships would retain the obligation on the father.

*THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): I am bound to say, in spite of the manner with which the noble Lord introduced the Amendment, that I cannot myself regard it otherwise than as a small matter. My noble friend behind me has stated what has occurred in the House of Commons, and there is no doubt there is a very strong feeling that, as a simple matter of convenience, it is an advisable thing to allow the mother, who must be assumed for this purpose to be acting for the father, to make this statutory declaration. I do not know whether noble Lords opposite are afraid that domestic jars might arise if one parent held one view and the other another. I remember many years ago when I was a candidate for Parliament that a person who was canvassing on one side or the other visited a house and asked a little girl: "What does your father do?" The reply was: "What mother tells him." Certainly, if a father was in such a position and allowed the predominant partner to make the statutory declaration even although he was in favour of vaccination, I feel he would only have himself to thank. I cannot feel that this is an important matter. The principle involved—that the person who is liable should be the only person to make the statutory declaration—sounds very reasonable, but, when you come to examine it, I confess I do not see any particular reason why it should not be made the subject of an exception if that exception is for the public convenience. Under those circumstances and holding the view we do, I am afraid we must resist the noble Lord's Amendment.

On Question, whether the words proposed to be left out should stand part of the clause, their Lordships divided:—Contents, 25; Not-Contents, 30.

CONTENTS.

Loreburn, L. (*L. Chancellor.*)

Crewe, E. (*L. President.*)

Beauchamp, E.
Carrington, E.
Craven, E.
Portsmouth, E.

Althorp, V. (*L. Chamberlain.*)

Allendale, L.
Blyth, L.
Colebrooke, L.
Coleridge, L.
Courtney of Penwith, L.
Denman, L. [*Teller.*]
Elgin, L. (*E. Elgin and Kincardine.*)
Eversley, L.
Fitzmaurice, L.
Glantawe, L.

Granard, L. (*E. Granard.*) [*Teller.*]
Hamilton of Dalzell, L.
Haversham, L.
Nunburnholme, L.
Pirrie, L.
Sandhurst, L.
Tweedmouth, L.
Weardale, L.

NOT-CONTENTS.

Northumberland, D.

Ailesbury, M.
Lansdowne, M.

Salisbury, M.

Camperdown, E.
Cathcart, E.

Cawdor, E.
Clarendon, E.
Doncaster, E. (*D. Buccleuch and Queensbury.*)

Mount-Edgcumbe, E.
Onslow, E.
Plymouth, E.
Powis, E.
Vane, E. (*M. Londonderry.*
Waldegrave, E. [*Teller.*]
Churchill, V. [*Teller.*]
Falkland, V.
Hood, V.
Hutchinson, V. (*E. Donoughmore.*)
St. Aldwyn, V.

Balfour, L.
Burton, L.
Clinton, L,
De Mauley, L.
Dunboyne, L.
Ellenborough, L.
Lawrence, L.
Ludlow, L.
Sanderson, L.
Waleran, L.

Proposed word there inserted.

THE EARL OF CAMPERDOWN said that the Bill provided that a parent or other person might make a statutory declaration, and that then he should be free from liability to fine or punishment. The question was, what was to be done with that declaration after it was made. There was nothing in the Bill to say what was to be done with it. He did not know whether there was anything in the Vaccination Act. It was just possible there might be. He observed, however, that in the Scottish Bill the Government had made most careful provision for what was to be done with the statutory declaration. In the English Bill they had made none, though, of course, it might be that there was something in the English Vaccination Act which dealt with the point. If there was not, he begged to move the Amendment of which he had given notice, which would make certain provisions as to how the declaration was to be kept and copies furnished, and so on.

Amendment moved—

"In page 1, line 15, after the word 'district' to insert the words, 'Every vaccination officer to whom any statutory declaration shall be delivered under this Act, shall enter a minute of such declaration in a book to be kept by him for that purpose, and shall at all reasonable times allow searches to be made in such book, and upon demand give a copy under his hand of any entry therein on payment of a fee of sixpence for each search, and threepence for each copy, and shall be entitled in respect of each such entry to receive from the guardians the same sum as would be payable to him in respect of the registration of the successful vaccination of the child to whom such entry relates.'"—(*The Earl of Camperdown.*)

*LORD ALLENDALE thought he could satisfy the noble Lord on the point. They did not propose to interfere with the Act of 1867 with regard to the question. Clause 24 of the Act provided that a register should be kept; and that upon demand copies of entries should be given on payment of 6d. for each search and 3d. for each copy. The Registrar, under the Act, received 1d. in respect of every child and another fee of 3d. in respect of each certificate. The present Bill did not propose to interfere with that. It was hardly necessary for him to say that the vaccination officer was not the person who performed the operation of vaccination. His duties were to act as a sort of registrar of vaccination for the district for which he was appointed, to see that all the children in his district were accounted for, to look up defaulters, and so on. He was required to keep a report book and register in which were entered particulars with regard to every child coming within his cognisance. The form of vaccination register was prescribed by the Local Government Board, and that would be slightly altered after the Bill was passed. It contained an entry of the date of the certificate of exemption under Section 2 of the Vaccination Act of 1898, and when the Bill was passed, the column would be altered to make it refer to a Statutory Declaration. It would be seen therefore that there would be a register of declarations, and there did not appear to be any sufficient reason to require a special book to be kept for that purpose. He thought the column in the present register would be sufficient, nor did there seem to be any need for provision to be made for searching, as that was already provided for under the Act of 1898. The Amendment seemed to be proposed in the interests of the vaccination officers who feared that the Bill might diminish their incomes, but it might be presumed that the law would relieve them of some amount of their work in connection with defaulters. It was not anticipated, as he pointed out on the Second Reading of the Bill, that the number of persons who would obtain exemption on account of conscientious objections would be materially increased. That was one of the objections raised when the Act of 1898 was passed, and it had not proved to be the case. The number of applicants for exemption in proportion to the number of parents had remained steady, varying from 5 to 4·8 per cent. The vaccination officers were paid by fees, but he would remind Lord Camperdown that, if their remuneration was considered inadequate, the fees might be increased either by the guardians with the concurrence of the Local Government Board or by the Board itself.

LORD BALFOUR OF BURLEIGH said that there was no doubt a register under the Act of 1867, but would that necessarily involve entries under this Bill, and would it be certain that there would be an obligation to let anyone have an examination of the register? Of course, it was a technical point of drafting, and, if the representatives of the Local Government Board told them that the thing would be done under any circumstances, then of course the Amendment would be superfluous, but they wanted to be quite sure that the statistics would be kept and would be available to any honest inquirer on payment of a fee.

*LORD ALLENDALE said he could assure the noble Lord that it was so. The vaccination officers would be bound to keep a record, and it would be available to any reasonable inquirer.

THE EARL OF CAMPERDOWN said that might be so, but as far as he could hear the noble Lord had said that in the Act of 1867 it was provided that a record should be kept of vaccinations. This Bill dealt with the question of statutory declarations. If it was necessary that there should be a statutory obligation with regard to vaccinations, why was it not necessary here? Of course, if the noble Lord said he was perfectly certain it was not necessary to have anything of the kind, it might be so, but, after all, they were dealing quite differently with this Bill from the manner in which they dealt with the Act of 1867.

*THE EARL OF CREWE: I understand that the obligation which at present exists to place in a column of the register notice of all persons who have obtained certificates of exemption in the manner now provided by law, will automatically be extended to those who obtain them by statutory declaration. I will, however, inquire, and if there is any doubt, my hon. friend will doubtless clear it up on the Report stage.

Amendment, by leave, withdrawn.

Bill, as amended, reported.

VACCINATION (SCOTLAND) BILL [H.L.].

Amendment reported (according to Order), and Bill to be read 3ª To-morrow.

PROBATION OF OFFENDERS (No. 2) BILL.

Amendments reported (according to Order); and Bill to be read 3ª To-morrow.

RELEASED PERSONS (POOR LAW RELIEF) BILL.

Read 3ª (according to Order), and passed.

NATIONAL PORTRAIT GALLERY—RISK OF FIRE.

LORD GLANTAWE said he desired to ask the Questions which stood on the paper in the name of Lord Weardale, viz.: "Whether His Majesty's Government were aware of the grave fire and other risks to which the National Portrait Gallery was exposed by reason of the close proximity of the canteen and prison belonging to St. George's Barracks, whether they would take steps, as in the case of the National Gallery, to isolate the National Portrait Gallery by the transference of those buildings to some other position in the area occupied by the barracks; and whether His Majesty's Government would in the event of a decision to remove the barracks to some other locality, have due regard in the allocation of the vacant space to the claims of the National Portrait Gallery, and the urgent necessity for some increase in the accommodation provided for the National Collection of Portraits?"

THE UNDER-SECRETARY OF STATE FOR WAR (The Earl of PORTSMOUTH): In reply to the Question which has been addressed to me, I should like to inform the noble Lord that we are not prepared to admit that the proximity of St. George's Barracks to the National Portrait Gallery does involve any greater danger of fire or similar risks than the proximity of other buildings which are also in the neighbourhood. I have gone into the matter very carefully, because I sympathise with the object Lord Weardale has in view. The "Garrick" public-house is nearer to the Gallery than the canteen referred to by my noble friend. However this may be, my noble friend will be glad to hear that, as St. George's Barracks are entirely inadequate and unsuitable for their present purpose as the Central Recruiting Depot in London, another site has been selected in Old Scotland Yard with a view to the provision of new buildings which are to be erected thereon by His Majesty's Office of Works. I should like to inform my noble friend that the recruiting authorities at the War Office are willing on these conditions to vacate St. George's Barracks. We do not wish to raise any difficulty in the way of abandoning St. George's Barracks, but before we do so we must be put in a position of being provided with suitable accommodation elsewhere and in the neighbourhood. I would remind my noble friend that he must direct his further artillery at His Majesty's Office of Works, with a view to getting them to grant the additional accommodation which is demanded by the National Portrait Gallery Trustees. I should like to inform my noble friend that I entirely agree with him, and I hope His Majesty Office of Works will be able to agree.

Lord WEARDALE: I thank my noble friend for the answer he has given on behalf of the War Office, but I desire to point out that the canteen actually abuts the wall of the National Portrait Gallery, and that so late as July 10th last, a fire broke out in the chimney of the canteen, and there was great danger of fire to the National Portrait Gallery itself. There was a large accumulation of *debris* entered the Gallery. Therefore, it is a matter of urgency and should be dealt with at once. I am well aware that other branches of my inquiry refer to another Department of State, and I would ask the representative of the Board of Works whether he can give us any light whatever with regard to giving further accommodation for the extension of the National Portrait Gallery. I would point out that the erection of the National Portrait Gallery was due to the munificence of a private individual and that all the nation has furnished is a site, and in my judgment a very inadequate grant year after year. Nevertheless a very fine collection of National portraits has been gradually acquired, and if it was unfortunately damaged, it could never be replaced. There seems to be some hope, according to the statements of the Under-Secretary for War, that the Board of Works will at all events allocate to the National Portrait Gallery some portion of the site for the future extension of the Gallery.

*Lord ALLENDALE: I have been asked by Mr. Harcourt to answer any questions raised on this matter. Fire and other risks have been very present to the First Commissioner's mind for some time, and he is considering a scheme in conjunction with the War Office and other Departments whereby some of the military buildings may be provided for elsewhere, in consequence of which risk would be diminished and accommodation secured for the future extension of both galleries. I understand that negotiations are proceeding, and it is hoped the scheme may be settled within the course of a few months. I cannot say any more than that. With regard to the canteen to which Lord Weardale has referred, I would remind him it is in a remote corner of the building, and although the prison adjoins the National Portrait Gallery, I believe there are no windows looking into the National Portrait Gallery. The risk in case of fire is not quite so great as it might seem. I can only say that negotiations are proceeding, and it is hoped some arrangements will be made.

Lord WEARDALE: With regard to the prison to which my noble friend has referred, and its proximity to the National Portrait Gallery, I would point out that an unfortunate incident occurred two years ago. A prisoner escaped and made his way into the National Portrait Gallery, and, by its proximity, was able to get out by the front door and escape altogether. Consequently, there are other risks besides those of fire.

*The Earl of DONOUGHMORE: I hope this new building in Scotland Yard will be worthy of the Army. I know that the provision of proper recruiting stations has a most excellent effect in other parts of the country, and I hope the same example will be followed in the case of the new London depot. I think it would be of great interest if the Under-Secretary for War could arrange for a plan of the new buildings to be left in the Library in order that we might see it.

THE EARL OF PORTSMOUTH: I will do what I can.

House adjourned at half-past Eight o'clock till To-morrow, Twelve o'clock.

HOUSE OF COMMONS.

Thursday, 8th August, 1907.

The House met at a quarter before Three of the Clock.

PRIVATE BILL BUSINESS.

Llandrindod Wells Gas Bill; London County Council (Money) Bill. Lords' Amendments considered, and agreed to.

National Trust for Places of Historic Interest or Natural Beauty Bill [Lords]. Read the third time, and passed, with Amendments.

Kilmarnock Corporation Water Order Confirmation Bill. "To confirm a Provisional Order under The Private Legislation Procedure (Scotland) Act, 1899, relating to Kilmarnock Corporation Water," presented by Mr. Sinclair, and ordered, under Section 7 of the Act, to be considered upon Monday next.

MESSAGE FROM THE LORDS.

That they have agreed to:—Finance Bill, without Amendment; Married Women's Property Bill; Leith Burgh Order Confirmation Bill, with Amendments.

Amendments to:—Birkenhead Corporation Water Bill [Lords], without Amendment.

That they have passed a Bill, intituled, "An Act to amend sections fifty-seven, fifty-eight, and fifty-nine of The Public Health (Scotland) Act, 1897, relating to the prevention of infectious diseases." [Public Health (Scotland) Amendment Bill [Lords.]

Leith Burgh Order Confirmation Bill. Lords' Amendments to be considered to-morrow, and to be printed. [Bill 303.]

PETITIONS.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

Petition from Newferry, against; to lie upon the Table.

RETURNS, REPORTS, ETC.

PHARMACY (IRELAND) ACTS, 1875 TO 1890.

Copy presented, of Order in Council, dated 6th of August, 1907, approving of a Regulation made by the Pharmaceutical Society of Ireland [by Act]; to lie upon the Table.

ALIENS ACT, 1905.

Copy presented, of Return of Alien Passengers brought to the United Kingdom from Ports in Europe or within the Mediterranean Sea during the three months ending 30th June, 1907; together with the number of Expulsion Orders made during that period requiring Aliens to leave the United Kingdom [by Command]; to lie upon the Table.

COLONIAL REPORTS (ANNUAL).

Copy presented, of Colonial Report, No. 534 (Gold Coast, Annual Report for 1906) [by Command]; to lie upon the Table.

BOARD OF AGRICULTURE AND FISHERIES.

Copy presented, of Annual Report of Proceedings under the Salmon and Freshwater Fisheries Acts, etc., for the year 1906 [by Command]; to lie upon the Table.

METEOROLOGICAL COMMITTEE.

Copy presented, of Second Report of the Meteorological Committee to the Lords' Commissioners of His Majesty's Treasury, for the year ending 31st March, 1907 [by Command]; to lie upon the Table.

PERMANENT CHARGES COMMUTATION.

Copy presented, of Return of Permanent Charges on the Consolidated Fund or Votes of Parliament which have been redeemed in the period from 6th August, 1905, to 6th August, 1907 [by Act]; to lie upon the Table.

TRADE REPORTS (ANNUAL SERIES).

Copy presented, of Diplomatic and Consular Report, Annual Series, No. 3888 [by Command]; to lie upon the Table.

PAPER LAID UPON THE TABLE BY THE CLERK OF THE HOUSE.

County Court Rules.—Copy of County Court Rules, dated 31st July, 1907, with Explanatory Memorandum [by Act].

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

London Non-Provided Schools.

MR. A. ALLEN (Christchurch): To ask the President of the Board of Education whether his attention has been drawn to the fact that with regard to very many non-provided schools the London County Council has authorised the indefinite postponement of many structural improvements which were decided by the Council, after careful survey, to be necessary, and against the reasonableness and necessity of which no appeal has been made by the managers to the Board of Education; and whether he will direct the inspectors of the Board of Education to pay special attention to the structural condition of these schools.

(Answered by Mr. McKenna.) No, Sir, my attention has not been drawn to the matter in question, and I have no information as to what schools are referred to. It is one of the duties of His Majesty's inspectors to pay attention to the structural condition of all schools inspected by them and to report to the Board as to the particular cases where repairs or improvements are required.

Mortgaging Trust Property.

DR. RUTHERFORD (Middlesex, Brentford): To ask the President of the Board of Education in how many cases since 1903 have the Board of Education or Charity Commissioners sanctioned the mortgaging of trust property for the repair or improvement of non-provided elementary schools, and what is the aggregate amount of such mortgages; and in how many cases have the Board sanctioned the application of the capital fund of an endowment for such purposes and the total amount of money so applied, giving the figures separately for London and for the rest of the country, and distinguishing between the different religious denominations.

(Answered by Mr. McKenna.)—

Statement showing—

I.—The number of cases in which the Board of Education have authorised Loans on the security of the School Buildings of Non-Provided Elementary Schools, for structural improvements or repairs, since 1st January, 1903; and

II.—The number of cases in which the Board have expressed their willingness to authorise such Loans, but in which the authority has not been formally sealed;

with the aggregate amount of such Loans, distinguishing between Schools situated in the area of the London County Council and those in the rest of England and Wales, and between Schools of various denominations.

	I.		II.	
	Cases.	Amounts.	Cases.	Amounts.
		£		£
(A) London:				
Church of England - - -	—	—	10	7,500
Wesleyan - - - - -	—	—	—	—
Roman Catholic - - - -	1	2,500	—	—
Undenominational, etc. - -	—	—	—	—
Total - - - -	1	2,500	10	7,500
(B) Rest of England and Wales:				
Church of England - - -	8	10,870	6*	2,150
Wesleyan - - - - -	—	—	—	—
Roman Catholic - - - -	—	—	—	—
Undenominational, etc. - -	1	250	—	—
Total - - - -	9	11,120	6*	2,150
Gross total - - -	10	13,620	16*	9,650

* This number includes one case in which the amount of the proposed loan is not yet settled.

In order to supply the particulars referred to in the second part of my hon. friend's Question with respect to the expenditure of capital funds of endowments, it would be necessary to examine in detail a very large number of orders and schemes made by the Board in the ordinary routine of their administration under the Charitable Trusts Acts, and I am of opinion that the labour involved in such a task would not be commensurate with any public advantage to be derived from it.

Mail Subsidies.

DR. AMBROSE (Mayo, W.): To ask the Postmaster-General could he give the names of the companies to whom payments are at present made for the conveyance of mails to British Possessions and other countries; the amount in each case of such payments and the period for which they are payable; the route by which such mails are in each case carried; and the terminal ports.

(*Answered by Mr. Sydney Buxton.*) Most of the information asked for by the hon. Member is given in Appendix D of the Postmaster-General's Annual Report. I am sending him a statement giving him additional information on the subject.

Shrewsbury Assistant Inspectorship of Telegraph Messengers.

Mr. O'GRADY (Leeds, E.): To ask the Postmaster-General whether he is aware that a number of postmen at Shrewsbury have been denied opportunities of proving their qualifications for the post of assistant inspector of telegraph messengers in favour of a junior man; and whether he will see that the senior men at Shrewsbury are granted opportunities of showing their fitness for the post before filling up the appointment.

(*Answered by Mr. Sydney Buxton.*) No junior officer will be selected until all those of his seniors who are likely to be among the best qualified have been granted due opportunities of trial. To test all the senior officers would not only create much delay, but probably prejudice the interests of the service.

Princes Risborough Rural Postman.

Mr. O'GRADY: To ask the Postmaster-General whether he is aware that Mr. Baker, of Princes Risborough, is only paid 4d. an hour as an auxiliary postman, although the regulations state that 4½d. per hour is the proper rate for auxiliaries in places where established men rise to a maximum of £1 a week as at Princes Risborough; whether he is aware that an application for proper payment has been rejected; and whether he will take steps to see that Mr. Baker receives the pay due to him.

(*Answered by Mr. Sydney Buxton.*) The regulations admit of payment at the rate of 4d. per hour for rural auxiliary duties at offices where established men rise to a maximum of £1 a week. I will inquire whether the circumstances justify any increase in Mr. Baker's wage.

Isle Royale, Lake Superior.

Mr. LEVERTON HARRIS (Tower Hamlets, Stepney): To ask the Secretary of State for Foreign Affairs whether the British flag has been hoisted upon Isle Royale, Lake Superior; and, if so, was this done by the instructions or with the approval of His Majesty's Government.

(*Answered by Mr. Churchill.*) The Secretary of State has received no information as to the reported hoisting of the British flag upon Isle Royale. Inquiry will be made.

Transvaal Legislative Assembly.

Sir CHARLES DILKE (Gloucestershire, Forest of Dean): To ask the Under-Secretary of State for the Colonies whether he can give the House any information as to the Bills introduced or read a second time in the Legislative Assembly of the Transvaal on Tuesday last, and especially in respect of the Bill first published in an extraordinary Government Gazette of Saturday 3rd August, abolishing the access of natives to the courts of law in respect of decisions administratively taken by which individual natives or whole tribes can be transferred against their will from one district to another; and whether any Papers on the subject can be presented to Parliament in advance of the earliest possible occasion on which such measure might become law.

Mr. MOLTENO (Dumfriesshire): To ask the Under-Secretary of State for the Colonies whether he can state what is the nature of the Draft Bill, published by the Transvaal Government, dealing with jurisdiction among natives; and whether this measure proposes to deprive the natives of any civil rights such as access to the Courts of Law.

(*Answered by Mr. Churchill.*) The Secretary of State has no information beyond what has appeared in the Press, but telegraphic inquiry is being made as to the Bill, which appears to be of such a nature as to require it to be reserved for the signification of His Majesty's pleasure.

Telegraph Poles.

Mr. FIELD (Dublin, St. Patrick): To ask the Postmaster-General whether the telegraph poles used in the Post Office service in Ireland are imported from Sweden and Russia into England; whether they are creosoted in England and then sent on to Ireland; and, if so, will he explain why they are not imported direct into Ireland and creosoted there instead of in England.

(*Answered by Mr. Sydney Buxton.*) The poles come at present from Norway, Sweden, and Russia, otherwise the facts are as stated by the hon. Member. I do not know whether the two creosoting firms in Ireland, one in Dublin and one in Belfast, would be able to undertake the work of creosoting telegraph poles, but they will have an opportunity of tendering when tenders are invited later in the year.

Irish Post Office Service.

MR. FIELD: To ask the Postmaster-General whether he will state, for the five financial years ended 1906–7, the total expenditure for each year on each of the various kinds of stores, including clerical work, housing accommodation, fire and light, stationery, and all other incidentals in connection therewith, required for the Irish Post Office service and the proportion of these amounts expended in Ireland.

(*Answered by Mr. Sydney Buxton.*) The kinds of stores in use are many thousands in number, and the great expense which would be involved in such an inquiry as my hon. friend desires would not be justified.

Irish Post Office Stores.

MR. FIELD: To ask the Postmaster-General whether an estimate is prepared for each financial year showing an approximation of the various store requirements for the Post Office service in Ireland; and, if so, will he explain why manufacturers are required to tender for the delivery of Irish supplies in London instead of in Dublin.

(*Answered by Mr. Sydney Buxton.*) A separate estimate is prepared for Ireland. Manufacturers are required to tender for delivery in Ireland in the case of uniform clothing, head dresses, parcel baskets, and other stores. But in the case of certain articles the proportion required for use in Ireland is so small that this course is not practicable.

Scottish Sheep Stocks.

MR. MORTON (Sutherland): To ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, whether the Law Officers have yet given their opinion on the valuation of sheep stocks in Scotland under the Agricultural Act, 1906; and, if so, will the Government make known the result.

(*Answered by Sir Edward Strachey.*) The Answer to the first part of the Question is in the negative; and, with regard to the second part, I understand that it is contrary to the usual practice to publish opinions of the Law Officers of the Crown.

Kew Gardens Stalls.

MR. CHIOZZA MONEY (Paddington, N.): To ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, whether his attention has been directed to the fact that another private contractor has been allowed to establish himself in Kew Gardens, and that at several of the entrances this contractor has erected stalls covered with guides, postcards, etc., displayed in such a way as to be eyesores; and whether he will give instructions for these erections to be removed and the profits on the sales of guides, etc., reserved entirely for the taxpayers who maintain the gardens.

(*Answered by Sir Edward Strachey.*) The right to sell guide books, postcards, etc., at Kew Gardens has been entrusted to a private firm in order to relieve the constables of a task which interfered with the performance of their proper duties. The firm in question pay an annual rent for the privilege, and in addition they have borne the cost of erecting one permanent and one movable kiosk. No complaint has hitherto been made of their appearance, and my noble friend does not propose to alter the present arrangement, which has been made in the interests of the general public as well as with the object of increasing the efficiency of the garden staff.

Derbyshire Pupil Teachers Grant.

MR. YOXALL (Nottingham, W.): To ask the Secretary to the Board of Education whether the grant payable to local education authorities in respect of the training of pupil teachers, which was due on 31st July, 1906, has been paid to the local education authority for Derbyshire; if so, at what date it was paid; and whether the local authority is unable to distribute this grant pending the receipt of particulars from the Board.

(*Answered by Mr. McKenna.*) Claims for grant for 1905–6 were received from the local education authority during the period from the 3rd October, 1906, to 14th January, 1907. Payments to the authority to the amount of £2,386 5s. have been made on various dates from 5th February to 24th July last. Grants to the amount of about £240 are still under consideration, and can probably be paid shortly. Delay in the payment of grants has been caused by the correspondence which has been necessary on many items incorrectly entered in the forms of claim, and on not infrequent cases of failure to comply with the regulations. With regard to the last part of the Question, the local education authority has been informed, whenever part or all of the grant has been withheld, of the name of the pupil teacher on whom disallowance or deduction has been made and of the reasons for it. On the 2nd instant the authority forwarded a list of pupil teachers on whom grant was claimed for 1905–6, and asked that the grant paid on each might be entered. As considerable clerical work is involved in comparing the authority's list with those in the office, and in preparing and checking the information required, the matter has not yet been dealt with.

Metropolitan Police Commission.

Mr. BYLES (Salford, N.): To ask the Secretary for the Home Department whether his attention has been drawn to the Proceedings of the Royal Commission on the Metropolitan police, when an ex-police constable named George Deed confessed upon oath that, at the previous sitting of the Commission, he had deliberately perjured himself; whether this witness was severely reprimanded by the Chairman, who told him that he had placed himself in a very serious position indeed, and that it would be the duty of the Commission to consider whether any action ought or ought not to be taken against him; and whether the Police Commissioner, in the interests of the police force, will prosecute this man.

(*Answered by Mr. Secretary Gladstone.*) I find on inquiry that the facts are as stated in the Question. The Chairman of the Commission said to Deed, "I have to tell you that you have placed yourself in a very serious position indeed, and it will be the duty of this Commission to consider whether any action ought or not to be taken against you." The matter is at present entirely in the hands of the Royal Commission. If they should recommend that any action should be taken, I need not say it shall receive serious attention from the Government; Deed was dismissed from the Metropolitan police force nearly four years ago.

Railway Conveyance of Milk in Ireland.

Mr. HALPIN (Clare, W.): To ask the Vice-President of the Department of Agriculture (Ireland) whether he will inquire into the railway system for carrying milk, seeing that the railway van is at present the only means by which long-distant milk can be conveyed from the producer to the public; whether he is aware that in some cases the van is dirty and ill-ventilated and that along with the milk are carried hides, carcasses of meat, and live fowls; and whether he will use his influence with the railway companies to have milk carried in pure milk vans.

(*Answered by Mr. T. W. Russell.*) If by "railway van" is meant the guard's van, the Department are not aware that this is the only kind of vehicle by which milk is conveyed over long distances. The transit inspectors of the Department have instructions to report any cases which come under their notice of milk being carried in dirty vehicles or with articles likely to taint it, and in any such reported cases the matter is taken up with the carrying company concerned. If specific instances are brought under the notice of the Department they will have full inquiry made.

Mr. HALPIN: To ask the Vice-President of the Department of Agriculture (Ireland) whether he will inquire into the carriage of milk, which in some cases is 100 per cent. higher than the owner's risk rate; and whether, seeing that the conditions attached to the owner's risk rate mean that the railway company are not responsible for damage done to milk or cans, unless it can be proved that the company's servants, through wilful misconduct, have caused the injury, he will take action to protect farmers from such damage.

(*Answered by Mr. T. W. Russell.*) The Department are not aware that rates 100 per cent. over the owner's risk rates are charged for the conveyance of milk on Irish railways, but if instances are furnished in which the charges are considered excessive the Department will have inquiry made. The question of damage to goods forwarded at owner's risk is a general one, affecting many descriptions of traffic, but if any specific instances of damage to milk conveyed at owner's risk are furnished to the Department full inquiry will be made.

Proficiency Pay in India.

MR. JOWETT (Bradford, W.): To ask the Secretary of State for India whether, under the new system of proficiency pay, men serving in India who have re-engaged for twelve months, in consideration of receiving 6d. a day extra pay, are liable to lose 2½d. a day in the event of their being classed as second-class shots, although no such deduction was contemplated or agreed to at the time of signing on; and whether, in view of the fact that this deduction may be regarded as a breach of contract, he can amend the order regarding proficiency pay.

(*Answered by Mr. Secretary Morley.*) The conditions upon which men serving in India have agreed to extend their service include neither a promise of extra pay nor a guarantee against the reduction of proficiency pay from 6d. to 3d. a day in the case of a man who ceases to qualify as a first-class shot. This reduction takes place also under War Office regulations, and was not introduced with the new system, a similar reduction having been made in service pay, in similar circumstances, under the old rules.

Exchequer Grants for Labourers Cottages in Ireland.

MR. LONSDALE (Armagh, Mid.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will state the amount allocated to each county of Ireland from the Exchequer contribution for labourers' cottages for the years ending 31st March, 1906 and 1907 respectively.

(*Answered by Mr. Birrell.*) The particulars in respect of the financial year 1905–6 are contained in the Annual Report of the Local Government Board for that year. The Report for 1906–7, which will shortly be issued, will contain the figures for that financial year.

Scartaglen Evicted Tenant.

MR. JOHN MURPHY (Kerry, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if the Estates Commissioners have received an application from Mr. Tangney, of Scartaglen, county Kerry, as an evicted tenant; and if they have taken any steps in connection therewith.

(*Answered by Mr. Birrell.*) The Estates Commissioners have received an application from John Tangney, and have ascertained that the applicant was evicted in 1893, was reinstated in 1899, and in 1902 purchased his holding under the older Land Purchase Acts. The Commissioners cannot make a grant to Tangney, which is apparently what he wants.

Headley Estate, Kerry.

MR. JOHN MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Estates Commissioners are aware of the manner in which Mr. Ned Pembroke of Castleisland, county Kerry, is being treated in connection with the sale of the Headley estate; and whether they will take steps that he may be allowed to purchase his holding on the estate.

(*Answered by Mr. Birrell.*) The Estates Commissioners have received a communication from Mr. Pembroke, which will be considered when the estate in question comes before them. Up to the present no proceedings for the sale of the estate have been instituted before the Commissioners.

Civil Governor of Malta.

MR. HICKS BEACH (Gloucestershire, Tewkesbury): To ask the Prime Minister if he is in a position to make an announcement as to the *status* and salary of the Civil Governor of Malta, and the relation between his department and that of the Commander-in-Chief.

(*Answered by Mr. Secretary Haldane.*) The salary has not yet been settled. As to the rest of the Question, will the hon. Member kindly refer to my reply to a Question put to-day by my hon. friend the Member for the Abercromby Division of Liverpool?

QUESTIONS IN THE HOUSE.

German Navy Bill.

MR. CLAUDE HAY (Shoreditch, Hoxton): I beg to ask the Secretary to the Admiralty whether any official translation of the German Navy Bill, 1906, has been published in this country, and whether he can arrange for a copy of the German Naval Estimates to be placed in the library for the use of Members.

THE SECRETARY TO THE ADMIRALTY (Mr. EDMUND ROBERTSON, Dundee): So far as I can ascertain no translation of the German Navy Bill has been published. As regards the second Question, it is not usual for the Admiralty to present to the library anything except their own publications.

Home Fleet.

SIR SAMUEL SCOTT (Marylebone, W.): I beg to ask the Secretary to the Admiralty on how many days sea training has been given to the Home Fleet in the last six months; and on how many nights the Home Fleet has been at sea for training during the same period.

MR. EDMUND ROBERTSON: The information asked for is not available at the Admiralty. An accurate Answer would involve calling for a return from each of the 240 vessels of the Home Fleet, to which I am not prepared to assent.

The Press and the Spithead Review.

MR. MARKHAM (Nottinghamshire, Mansfield): To ask the Secretary to the Admiralty whether, seeing that one of His Majesty's ships was placed at the disposal of gentlemen of the Press at the recent Spithead review, he will say if the cost incurred was defrayed out of public money.

MR. EDMUND ROBERTSON: Press representatives having requested facilities they were granted, and the cost (about £25) will be defrayed out of public funds.

Members and Naval Reviews.

MR. MARKHAM: I beg to ask the Secretary to the Admiralty if he will say why no facilities were given to Members of this House to attend, at their own expense, the naval review at Spithead on 3rd August; whether he is aware that the Secretary of State for War has given every facility to Members to attend military manœuvres; and will he say the reasons why the First Lord has not followed this practice.

MR. EDMUND ROBERTSON: No indication reached the Admiralty of any general desire on the part of Members to attend the review. Had any such desire been expressed it would certainly have been complied with.

MR. MARKHAM: In the case of future reviews are hon. Members to go to the Admiralty and state their desire to go to the review? Is there any precedent for giving facilities to the Press when they are not given to Members of the House?

MR. EDMUND ROBERTSON: I had not the slightest idea that there was any desire on the part of hon. Members to go to the review. If any such desire had been expressed it would most certainly have been complied with.

MR. MARKHAM: At least twenty Members spoke to me on the subject.

MR. EDMUND ROBERTSON: The only Member who spoke to me about it was the hon. Member himself, and that at the last moment, and I did my best to give him facilities.

New Military Command in the Mediterranean.

MAJOR SEELY (Liverpool, Abercromby): I beg to ask the Secretary of State for War whether the proposal to create a Mediterranean command, with headquarters at Malta, is to be carried into effect; and, if so, when.

THE SECRETARY OF STATE FOR WAR (Mr. HALDANE, Haddington): His Majesty's Government have decided to create a new command in the Mediterranean with headquarters at Malta, and I should like to take this opportunity of making an announcement as to the future arrangements for the conduct of civil and military affairs in the Mediterranean. The King has approved of His Royal Highness the Duke of Connaught being appointed thereto as Field-Marshal Commanding-in-Chief and High Commissioner in the Mediterranean. The force under His Royal Highness's command will comprise the garrisons of Gibraltar and Malta, the detachments in Crete and Cyprus, and the British troops quartered in Egypt and the Sudan. As all matters of local military administration, except the more important cases of discipline, will continue to be disposed of by the Governors of Gibraltar and Malta, and the General Officer Commanding in Egypt, His Royal Highness will be able to devote his attention to inspection and training, and to the consideration of questions of strategy and defence within the limits of his command. For the Colonial administration of Gibraltar and Malta the respective Governors will remain solely responsible; and similarly in Egypt and the Sudan all civil and political matters will be dealt with as heretofore by the Agent and Consul-General in Egypt, to whom the Governor-General of the Sudan and Sirdar will continue to be responsible for the administration of the Sudan and of the Egyptian and Sudanese forces. In regard to questions of policy which involve military considerations the Field-Marshal Commanding-in-Chief and High Commissioner will be consulted by the representatives of the Foreign and Colonial Offices before they lay their views on such questions before their respective Departments. I may add that the creation of this new command will cause no increase of expenditure. The date on which His Royal Highness will take up his command has not yet been definitely fixed.

Military Bands at Political Gatherings.

MR. PATRICK O'BRIEN (Kilkenny) asked the Secretary for War if he was aware that the band of the Berks Imperial Yeomanry was advertised to perform at a political demonstration on Saturday, and had the consent of the War Office been obtained, or what action was it proposed to take.

MR. HALDANE replied that he was inquiring into the matter.

Typhoid Fever at Bulford Camp.

MR. WALTER LONG (Dublin, S.): I beg to ask the Secretary of State for War if he can state how many outbreaks of typhoid fever have occurred at Bulford Camp, and at what intervals; how many cases have resulted fatally; and what steps he proposes to take to protect the lives of officers and men from the grave risks to which they are exposed.

MR. HALDANE: Since 1900 there have been sixteen cases of enteric fever among the regular troops at Bulford—two in 1903, three in 1904, three in 1905, and eight in June, 1907. None of these cases were fatal. As regards the Auxiliary Forces, of whom 45,000 were camped at Bulford in 1906, there were nine cases in the Honourable Artillery Company, of which it is understood two proved fatal. Full investigations were carried out by specialist sanitary officers into the outbreaks of 1904, 1906, and 1907, and though no definite cause for the origin of the disease could be traced, in each instance the available evidence pointed to the introduction of the infection from without and not to any sanitary defects within the camp area. The medical and sanitary arrangements of the camp are supervised by the Principal Medical Officer of the Southern Command and the Administrative Medical Officer, Tidworth District, who have the assistance of a specially qualified sanitary officer in dealing with the prevention of infectious disease among the troops.

Lichfield Camp Palliasse Contracts.

MR. LEA (St. Pancras, E.): I beg to ask the Secretary of State for War whether he is aware that Mr. Mace, of Liverpool, obtained the contract for the supply of palliasse straw to the camps at Lichfield, which contract he arranged was to be carried out for him by Mr. W. H. Bowering, of Lichfield, and, on the latter inquiring from Captain Coulson, in command of the Army Service Corps at Lichfield, was told by him that the approximate quantity required would be 60 tons; whether he is aware that the camps only took 18½ tons, thus involving the contractor in loss, and that, on Mr. Bowering inquiring the reason for the diminished quantity required, one of the quartermasters informed him that they never did draw all that was allowed, but requisitions for the balance could be had for a consideration, such consideration being that the price of the straw undelivered was divided between the contractor and the quartermaster; if he can inform the House what was the name and corps of the quartermaster referred to; and what steps are being taken to inquire into the matter and to protect the public and contractors from being victimised by officers in the Army whose duties involve the ordering, passing, and receiving of supplies.

Mr. HALDANE: There is no information in the War Office concerning the alleged transaction. The General Officer Commanding-in-Chief will be asked to forward a report on the matter.

Transvaal Labour Commission Inquiry.

Mr. FELL (Great Yarmouth): I beg to ask the Under-Secretary of State for the Colonies if any statement will be made before the recess as to the report of the Commission appointed by the Transvaal Government to inquire into the question of the supply of labour; and if he can give the names of the Commissioners who are conducting the inquiry.

Mr. J. A. PEASE (Essex, Saffron Walden, for Mr. Churchill): The members of the Commission are Messrs. Stockenstroom, Member of the Legislative Assembly (Chairman), Whiteside, Cresswell, Francke, and Spencer. I have no information as to when its report is expected to be forthcoming.

British Indian Merchants and Johannesburg Tramcars.

Mr. O'GRADY (Leeds, E.): I beg to ask the Under Secretary of State for the Colonies whether the Johannesburg Town Council has made certain by-laws prohibiting the use by British Indian merchants and others of certain municipal tramcars; whether His Majesty's Government was previously consulted; and whether the powers of the Johannesburg Town Council exceed those of the Transvaal Legislature which, under the Constitution, is required to reserve all such differential legislation for His Majesty's approval.

Mr. J. A. PEASE (for Mr. Churchill): The Johannesburg Town Council has made by-laws to the effect mentioned by the hon. Member. His Majesty's Government were not previously consulted. The town council derives its powers to make such by-laws from legislation passed by the Transvaal Legislature prior to the issue of the Letters Patent conferring responsible government on the Colony. The powers of the municipality are derived from a statute which it is of course within the competence of the Transvaal Legislature to vary.

British Indians in the Transvaal.

Mr. HAROLD COX (Preston): I beg to ask the Under-Secretary of State for the Colonies whether His Majesty's Indian subjects resident in the Transvaal are still denied the right to hold fixed property; and whether, under the new Registration Act, law-abiding educated Indians will be compelled to carry passes, which they may be called upon by any policeman at any time to produce.

Mr. J. A. PEASE, (for Mr. Churchill): The Answer to the first part of the Questionis in the affirmative; under the Asiatic Law Amendment Act holders of registration certificates under that Act are required to produce them to any policeman on demand.

French Contraband Trade with the New Hebrides.

Mr. LONSDALE (Armagh, Mid.): I beg to ask the Secretary of State for Foreign Affairs whether he has received further complaints from missionaries in the New Hebrides and Australian traders with the islands of the continued importation by French ships of contraband; whether the French Government have any means of preventing this traffic; and whether he will endeavour to hasten negotiations with the French Government with a view to stopping it at the earliest possible moment in the interests alike of the natives and of British traders.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir EDWARD GREY, Northumberland, Berwick): No recent complaints have been received from missionaries or Australian traders, but a representation has been received from the Australian Government. His Majesty's Government are in communication with the French Government on the question of the prohibition of the sale of liquor, etc., to natives of the islands, and hope for a favourable reply shortly. They trust that, in any case, the provisions as to the sale of arms, liquor, etc., will be brought into force within the next few months. They have no information as to what means the French Government may have meanwhile of preventing the traffic.

Great Britain and Russia.

MR. LONSDALE: I beg to ask the Secretary of State for Foreign Affairs whether he is yet in a position to make a statement with respect to the terms of the agreement between His Majesty's Government and the Russian Government.

SIR EDWARD GREY: The Answer is in the negative. I am unable to make any further statement.

Turkey and Persia.

MR. LONSDALE: I beg to ask the Secretary of State for Foreign Affairs whether he has any information respecting an incursion of Turkish troops into Persian territory; and whether any appeal has been made by the Persian Government to His Majesty's Government for assistance.

MR. FELL: May I also ask the Secretary of State for Foreign Affairs whether he has any information to give the House in regard to the alleged violation of Persian territory by Turkish troops, and the massacre at Mavaneh of eighteen men and sixty women and children, mostly Christians.

SIR EDWARD GREY: His Majesty's Government have been informed by the Persian Government that a force of Turkish troops with guns have crossed into Persian territory near Urmia, have killed some villagers, and are inciting the Kurds to rebel. At the request of the Persian Government, His Majesty's Ambassador at Constantinople has been instructed to make representations on the subject to the Turkish Government in the interest of peace.

Post Office Savings Bank Assets.

MR. MYER (Lambeth, N.): I beg to ask Mr. Chancellor of the Exchequer whether he will state what was the proportion per cent. of liquid or marketable assets to the whole of the assets held by the Commissioners for the Reduction of the National Debt on account of the Post Office Savings Bank in each year from 1861 to 1906 inclusive.

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fifeshire, E.): The distinction suggested is one of degree, and it is therefore to a large extent a matter of opinion; and, in any case, the proportion of liquid or marketable securities to the whole of the assets held for the Post Office Savings Bank could not be given, without making a valuation of those securities. As I have recently explained, no such valuation has been given since 1902, when it was discontinued on the passing of the Act 4 Edw. VII., cap. 8. I may add, however, that till that date a statement showing the assets of the Post Office Savings Bank Fund, with a valuation thereof, was given in the Annual Reports of the Postmaster-General.

MR. MYER: Does the right hon. Gentleman consider the present position financially sound?

MR. ASQUITH: Yes, with the Consolidated Fund as the security.

Export Duty on Coal.

MR. MARKHAM: I beg to ask Mr. Chancellor of the Exchequer whether, seeing that the present inflated prices of coal are injurious to the industries of this country and inflict hardship on small consumers, he will consider the desirability of appointing a Committee to inquire and report whether an export duty on coal could be imposed without injury to the best interests of the trade after the price of coal reaches a point which gives a fair return to the colliery owner on his capital and to the miner for his labour.

Mr. ASQUITH: The question of an export duty on coal in all its bearings has received very full consideration by three successive Parliaments, as well as by His Majesty's present advisers and their predecessors in office; it was also dealt with by the recent Royal Commission on coal supplies in their Report, and I do not think that an inquiry such as is suggested would add anything to the information already available on the subject generally or with regard to the probable economic effects of the expedient proposed.

Mr. MARKHAM: Is the right hon. Gentleman aware that the price of coal at Cardiff is now 21s., as compared with 14s. a few years since? Does he realise the hardship thus caused to the general community?

Mr. ASQUITH: I dare say the figures are as stated.

Life-saving Apparatus in French Coal Mines.

Mr. CHIOZZA MONEY (Paddington, N.). I beg to ask the Secretary of State for the Home Department if his attention has been directed to the fact that the French Minister of Public Works has recently signed a decree ordering that every coal mine employing 100 men underground at the same time must be provided with a portable respiratory apparatus, ready for immediate use and enabling a miner to remain at least one hour in an irrespirable atmosphere, and that the number of such appliances must be not less than two for each pit, placed in charge of an engineer or inspector familiar with their working, and provided with ten picked men, trained in the use of the apparatus and ready to be sent to the seat of danger immediately the necessity arises; and whether he can see his way to insist upon similar precautions being observed in British coal mines.

The SECRETARY of STATE for the HOME DEPARTMENT (Mr. Gladstone, Leeds, W.): This matter was referred by me some time ago to the Royal Commission on Mines which is now sitting. As the hon. Member is doubtless aware, a Report has already been presented by the Royal Commission on the question of the use of rescue apparatus. The Commission did not feel justified in recommending that the provision of rescue apparatus should at the present time be made compulsory. They made, however, certain proposals for the establishment of central rescue stations, etc., and I am communicating with the owners with a view to their taking action.

Mr. FENWICK (Northumberland, Wanstead): Will the Commission report this session?

Mr. GLADSTONE: They may possibly make an interim Report. But they cannot finally report.

Wages and the Price of Commodities.

Mr. C. E. PRICE (Edinburgh, Central): I beg to ask the President of the Board of Trade if his attention has been called to the statement appearing in the last Consular Report from the United States that the average increase of wages during the last ten years has been 20 per cent., but the increase in the price of commodities has been 40 per cent., and that the cost of living of many has, in consequence, gone beyond their means of obtaining income; and whether he has any official information confirming these statements.

The PRESIDENT of the BOARD of TRADE (Mr. Lloyd-George, Carnarvon Boroughs): I have seen the statement referred to. The information in the possession of the Board of Trade leads them to believe that the prices of necessaries in the United States have increased in late years in greater proportion than money wages. I doubt, however, whether the precise figures given in the statement afford altogether a fair comparison, since prices generally in the United States were abnormally low in 1897, the first year of the decennial period. Taking an average of the years 1895-9 and confining comparison to articles of food and clothing, the increase in prices would appear to be nearer 30 than 40 per cent.

Sir GILBERT PARKER (Gravesend) asked whether these statistics corresponded with those issued from the Statistical Bureau at Washington. Personally, he thought they did not.

Mr. C. E. PRICE asked whether the Consular Report did not distinctly state that the figures were taken from the volume issued by the Statistical Bureau.

MR. LLOYD-GEORGE was understood to say that this was the latest information the Board of Trade had got.

In reply to a further Question from Mr. C. E. PRICE,

MR. LLOYD-GEORGE said that the increased cost of the necessaries of life and clothing were out of proportion to the increase of wages.

SIR GILBERT PARKER: Is it not the fact that the figures refer largely to luxuries and not to the necessaries of life—to imported articles not manufactured in the country?

MR. LLOYD-GEORGE: No, Sir, they do not refer to imported articles largely luxuries. I would not call clothing a luxury.

British and Foreign Trade Statistics.

MR. C. E. PRICE: I beg to ask the President of the Board of Trade whether, in view of the usefulness to the public of Volume Cd. 1761, containing memoranda, statistical tables, and charts on British and Foreign Trade and industrial conditions, he will issue another and similar volume bringing the information contained therein up to date; and whether he will act in a similar manner as to the Return on the condition of trade and people moved for on 12th August, 1903.

MR. LLOYD-GEORGE: The Board of Trade have in preparation Reports dealing with several of the matters referred to in the two Fiscal Blue Books, but it is not proposed at present to publish any volumes on precisely the same lines. A Return on the lines of that moved for on the 12th August, 1903, has already been ordered on the Motion of the hon. Member for the Cirencester Division and will, I understand, be issued in a few days.

Commercial Agents for the Colonies.

MR. HAROLD COX: I beg to ask the President of the Board of Trade whether any British manufacturers, other than those who are members of the Consultative Committee of the Board of Trade, have at any time made any representations to him that British consular or commercial agents should be appointed to the self-governing Colonies?

MR. LLOYD-GEORGE: Yes, Sir. Evidence in favour of such appointments was given on behalf of various Chambers of Commerce before the Departmental Committee on Commercial Intelligence of 1897-8. In addition we have recently received representations from certain British Chambers of Commerce and a Resolution from the last Congress of Chambers of Commerce of the Empire.

MR. HAROLD COX: Has the right hon. Gentleman received any definite information from any particular manufacturer that these Consular Reports are of use to him in his business?

MR. LLOYD-GEORGE: We have received representations in the usual way from Chambers of Commerce, which I think fairly represent the trade interest of the country.

Danish Coal Imports.

MR. C. E. PRICE: I beg to ask the President of the Board of Trade whether his attention has been called to the statement which appears in the last Consular Report from Denmark that the total imports of coal to that country in 1906 was 2,668,500 tons; in 1905, 2,375,500 tons; that the figures for imports of coals from Germany were not available for 1906, but that in 1905 this import was 101,460 tons, much the same as during the previous year; that the export duty having now been abolished in the United Kingdom this small import of coals from Germany will practically cease; and whether he has any official information confirming these statements?

MR. LLOYD-GEORGE: The figures quoted by my hon. friend would appear to be approximately correct. As regards the probable effect on imports of coal into Denmark of the abolition of the export duty in the United Kingdom, I have no official information at present beyond what is contained in the Consular Report.

Board of Trade Consultative Commercial Committee.

MR. HAROLD COX: I beg to ask the President of the Board of Trade who are the members of the Board of Trade Consultative Commercial Intelligence Committee; what manufacturing or trading firms do they represent; and by whom were they selected.

Mr. LLOYD-GEORGE: The twenty-five members of the Commercial Intelligence Committee include (besides myself as Chairman) seven officials representing the Board of Trade, Foreign Office, Colonial Office, and India Office; four representatives of the great self-governing Colonies—Canada, Australia, New Zealand, and South Africa; and thirteen members appointed by the Board of Trade in consultation with the Association of Chambers of Commerce. The names of the members of the present Committee, and the districts and trades with which they are connected, will be printed with the Votes.

[The following is the list of names referred to.]

Lord Avebury—London, General and Financial Interests.

Mr. F. Brittain—Ex-President of the Sheffield Chamber of Commerce (Iron and Steel Trades).

Mr. T. Craig-Brown—South of Scotland Chamber of Commerce (Woollen and Worsted Trades).

Sir William Holland—(a Member of this House)—Ex-President of the Manchester Chamber of Commerce (Cotton Trades).

Sir Albert Rollit—London Chamber of Commerce and Hull District (General Mercantile Interests).

Sir F. Forbes Adam—Ex-President of the Manchester Chamber of Commerce (Cotton Trades).

Sir Hugh Bell—North Eastern Districts (Iron and Steel Trades).

Mr. W. H. Mitchell—President of the Bradford Chamber of Commerce (Woollen and Worsted Trades).

Mr. R. Thompson—Belfast Chamber of Commerce (Linen Trades).

Mr. D. A. Thomas (a Member of this House) South Wales (Coal and Tinplate Trades).

Mr. E. Parkes—(a Member of this House) Birmingham Chamber of Commerce (Miscellaneous Metal Trades).

Mr. G. H. Cox—Liverpool Chamber of Commerce (General Mercantile business).

There is also a vacancy occasioned I regret to say by the recent death of Mr. T. F. Blackwell (of the well known firm of Crosse and Blackwell, Ltd.), who represented the London Chamber of Commerce and the General Provision trades. I propose to fill this vacancy at an early date by the appointment of a further commercial representative.

Commercial Agents in Self-Governing Colonies.

Mr. HAROLD COX: I beg to ask the President of the Board of Trade how many consular or commercial agents it is proposed to appoint to the self-governing Colonies; what salary it is proposed to pay to them; and on what Vote that salary will be placed.

Mr. LLOYD-GEORGE: These questions are still under consideration. The cost will, I presume, be a charge on the Vote for the Board of Trade.

Mr. HAROLD COX: Who will appoint these gentlemen?

Mr. LLOYD-GEORGE: They will be appointed by the Board of Trade in consultation with the Colonial Office.

Mr. WEDGWOOD (Newcastle-under-Lyme) asked whether it was intended that the information obtained would be confined to British manufacturers.

Mr. LLOYD-GEORGE: I think it will be treated exactly as the information we are getting at the present moment from our Consuls abroad. A good deal of that is confidential and is only given to our own manufacturers, but a good deal that is embodied in the Reports is open to the whole world.

Mr. MYER (Lambeth, N.): How can you expect to obtain information from foreign countries if your own information is not available to them?

Mr. HAROLD COX: How is it possible to keep the information secret?

Mr. LLOYD-GEORGE: I think it is done very successfully at the present moment.

MR. LLEWELYN WILLIAMS (Carmarthen District) asked whether commercial agents were to be appointed for the Crown Colonies.

MR. LLOYD-GEORGE: I think that will be considered later on if these appointments prove successful.

MR. CHARLES PRICE: Are we to understand that these Consuls will be under the Board of Trade and not the Foreign Office?

MR. LLOYD-GEORGE was understood to reply in the affirmative.

MR. WATT (Glasgow, College): Will the right hon. Gentleman see that ex-military men are not given these posts?

MR. LLOYD-GEORGE: I should say that those appointed should be business men.

Tramcar Brakes.

MR. FELL: I beg to ask the President of the Board of Trade if his attention has been called to the number of accidents to tramcars when descending hills; what is the position of the inquiry into the question of a satisfactory brake; and whether the promise that no further orders would be granted for tramways on steep gradients is being carried out.

MR. LLOYD-GEORGE: My attention has been called to accidents of this character and inquiries have been ordered in two cases that occurred within the last week. Apart from the attention which the Board's inspecting officers are necessarily giving to the subject the whole question of braking appliances on tramways is being investigated by Committees of the Tramways and Light Railways Association and the Municipal Tramways Association, and, as I have already informed the House, the Board are prepared to assist these Committees in a conbined investigation at a later stage. I know of no such promise as that to which the hon. Member refers at the end of his Question.

MR. FELL: In answer to a Question I put some months ago did not the right hon. Gentleman say that until a satisfactory brake had been adopted further provisional orders for tramcars on steep gradients would not be granted?

MR. LLOYD-GEORGE: I do not remember, but if the hon. Member can give me the date I will look into the matter.

Canadian Railways.

MR. HAROLD COX: I beg to ask the President of the Board of Trade whether he has any information in his Department with regard to Canadian Railways; whether any of the railways in Canada are owned and worked by the Government; and, if so, whether he can state how the profits earned on these Government railways compare with the profits earned on railways built and managed by companies.

MR. LLOYD GEORGE: The Canadian official documents show that there were 21,355 miles of railway open for traffic at the 30th June, 1906, and that of this total 1,713 miles were owned and controlled by the Government, viz, the Inter-Colonial and Prince Edward Island lines, besides the Windsor Branch line thirty-two miles long which is leased by them to a private company. The proportion of working expenses to receipts in the case of the 1,713 miles of lines controlled by the Government in the year 1905–6 appears to be over 99 per cent., and in the case of the 19,640 miles of lines controlled by private companies, which include the Canadian Pacific, Grand Trunk, and other lines, the proportion is about 67½ per cent. It will be obvious from the enumeration of the lines owned and the parts of the country served by the Government and private companies respectively that the comparison is not a fair one.

MR. WEDGWOOD: Is it not the fact that the Canadian State lines fail to pay because they follow the All-Red Route, the longest route, while private commercial companies have secured the shortest and best paying route?

[No Answer was returned.]

London Motor Bus Companies.

MR. MARKHAM: I beg to ask the President of the Board of Trade whether he has received from the shareholders' committee of the four Motor Bus Companies, Limited, promoted by the British Motor Bus Trust, any request that the affairs of these companies should be reported on by the Board of Trade; if he is aware that 8,000 shareholders, most of whom were clerks and working men, subscribed the capital of the four companies; and whether, seeing the difficulties of this class of small shareholders combining to take action, he will accede to the request of the shareholders' committee to hold this investigation.

Mr. LLOYD-GEORGE: Yes, Sir, I have received a request from the chairman of the shareholders' committee of the four Motor Bus Companies asking the Board of Trade to order an investigation into the doings of the directors in these companies. The Board of Trade have no such general powers of investigation and their powers are limited to the express powers conferred by Statute. Under Section 56 of the Companies Act, 1862, the Board of Trade have, under the circumstances there set out, power to appoint an inspector, and an investigation is made by the Official Receiver in the case of all companies ordered by the Court to be wound-up. I am not aware that most of the shareholders were as stated in the question clerks and working men.

Mr. MARKHAM: I beg to ask the President of the Board of Trade whether his attention has been called to a letter, dated 12th June, from Messrs. Woodthorpe, Bevan, and Company, auditors of the Motor Bus Company, Limited, addressed to the secretary of this company, stating that as their name appeared on the prospectus issued to the public, they had the strongest possible objection to the company passing into liquidation until its accounts had been audited in compliance with the provisions designed by the Legislature; and if he will at once call the attention of the company to this evasion of the Act, and, failing a satisfactory reply, will he direct proceedings to be taken against the directors under the power contained in the Companies Act.

Mr. LLOYD-GEORGE: My attention has been called to two letters dated the 8th May and 12th June respectively addressed by Messrs Woodthorpe, Bevan and Company to the secretary of the Motos Bus Company, Limited, and published in the Press. In this case again the powers of the Board of Trade are strictly limited by Statute, the only power vested in the Board of Trade being that in Section 21 of the Companies Act, 1900, under which, if an appointment of an auditor is not made at an annual general meeting, the Board of Trade may on the application of any member of the company appoint an auditor of the company for the current year.

Mr. MARKHAM: I beg to ask the President of the Board of Trade whether he is aware that on 21st December, 1906, a meeting of 700 to 800 shareholders in the London Motor Omnibus Company, Limited, of which A. T. Salisbury Jones, is chairman, was held at the King's Hall, Holborn; that the meeting, with a few dissentients, opposed an amalgamation scheme proposed by the chairman on the ground that he refused to give the shareholders any accounts of the company's trading or of another of his motor companies with which he proposed to amalgamate this company; and whether, seeing the directors outvoted the shareholders with promoter shares, he will say whether he will bring in an Amendment to the Companies Act of 1900 to compel directors to give every information to shareholders who find money to carry on public companies.

Mr. LLOYD-GEORGE: I am not aware of what took place at the meeting held on the 21st December, 1906, apart from the information which is contained in the letter addressed to me by the chairman of the shareholders committee of the four Motor Bus Companies. As to the second part of the Question, one of the principal objects aimed at by the Companies Bill now before the House is to secure the fullest information to shareholders.

Mr. MARKHAM: I beg to ask the President of the Board of Trade whether, seeing that the directors of the Motor Bus Company, Limited, have refused to allow the auditors, Messrs. Woodthorpe, Bevan and Company, despite their protests and those of the shareholders, to audit the accounts and wind up the company, he proposes, under Section 21 of the Companies Act of 1900, to appoint an auditor to deal with the accounts of this company.

MR. LLOYD-GEORGE: An application has been made to the Board of Trade to appoint an auditor in the case of the London Motor Omnibus Company, Limited, and an inquiry has been addressed to the applicant in order to ascertain whether the powers of the Board of Trade to appoint an auditor have yet arisen.

Australasian Mail Service.

MR. FELL: I beg to ask the Postmaster-General if he has yet made any arrangements for the establishment of an all-British mail service to Australasia and the East; and will he state the position of the negotiations with this object in view.

CAPTAIN NORTON (Newington, W.; for Mr. SYDNEY BUXTON): The hon. Member is, of course, aware, that under the contract with the Canadian Pacific Railway Company an all-British mail service to the East already exists. I am not in a position to make any statement in regard to any further arrangement.

Select Committee on the Post Office Wages.

MR. CHIOZZA MONEY: I beg to ask the Postmaster-General with reference to the Report of the Select Committee on Post Office Wages which recommends that London postman's wages should range from £49 to £91 a year, whether he is aware that the Berlin postmen's wages range from £63 to £93 a year; and whether, in view of the fact that German wages generally are lower than British wages, he will level up British postmen's wages to a proper standard.

I beg also to ask the Postmaster-General if his attention has been directed to the fact that, although the London postal porters maximum wages of 30s. per week have not been increased since 1882, or during a period of rather more than 25 years, the Report of the Select Committee on Post Office Wages does not recommend that an increase in that maximum should now be made, while it states that its recommendations are sufficient for a considerable period; and whether, in view of the increased cost of living and the consequent real decrease in wages sustained by the postal porters, he can see his way to increase the maximum to at least £100 a year.

CAPTAIN NORTON (for Mr. BUXTON): As my right hon. friend already informed the hon. Member the recommendations of the Select Committee will receive the most careful consideration.

MR. CHIOZZA MONEY: Am I to have any reply to my Questions or shall I repeat them on a future day?

CAPTAIN NORTON: With reference to the wage question the Postmaster-General is not aware if the hon. Member's statement is correct. The Postmaster-General is solely responsible for dealing with the recommendations of the Committee.

Royston School Teacher.

MR. CLAUDE HAY: I beg to ask the President of the Board of Education, when the Papers dealing with the appointment of a school teacher at Royston will be in the hands of Members.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. McKENNA, Monmouthshire, N.): I understand these Papers will be delivered to-day.

East St. Pancras School.

MR. LEA: I beg to ask the President of the Board of Education whether he is aware that some of the London County Council schools in East St. Pancras are dangerous, unhealthy, and overcrowded; whether his attention has been drawn to the fact that four weeks ago a portion of the ceilings of one of the class-rooms of a building in Werrington Street, used by the senior girls of the Stanley School, fell, injuring some of the children, and one little girl, Harriet Fryer of 41, Barclay Street is still seriously ill from the effects; that the shock received by this child has been so serious that the doctor in attendance says the illness may develop into St. Vitus's Dance; that, in spite of requests, no medical care or attention by the London County Council authorities has been given; and what steps does he propose taking to ensure this child and its mother receiving compensation.

MR. McKENNA: I have no information as to the incidents referred to. If any liability to pay compensation exists, as to which I express no opinion, it will be a matter for the London County

Council in the first instance, and in any case it is not one in which the Board of Education have any jurisdiction.

MR. LEA: Will the right hon. Gentleman instruct somebody in his Department to inquire if the London County Council is responsible?

MR. McKENNA: I think application should be made direct to the London County Council.

Merionethshire Education Dispute.

MR. LANE-FOX (Yorkshire, W.R., Barkston Ash): On behalf of the noble Lord the Member for East Marylebone, I beg to ask the President of the Board of Education whether he has yet received any reply from the Merionethshire local education authority with respect to the payment of the salaries of the teachers of non-provided schools; and, if so, what is the substance of such reply.

MR. McKENNA: Yes, Sir, the local authority have informed the Board of Education that they fully recognise the inconvenience caused to the teachers in the voluntary schools by the delay in the payment of the salaries, and that the grants received in respect of such schools have all been expended upon their maintenance, but, inasmuch as they have decided that public rates are only to be utilised in maintaining those schools over which they exercise full control, they regret they are not in a position to pay the salaries which fell due on June 30th; but I am informed that a further communication from the council will reach me to-day.

MR. LANE-FOX: In the event of an unsatisfactory answer being still given, will the right hon. Gentleman take proceedings to see that these teachers receive their full salaries?

MR. LLEWELYN WILLIAMS: Has the right hon. Gentleman been informed that as a matter of fact every salary of every teacher in the twenty-one non-provided schools in Merionethshire has been paid?

MR. McKENNA: I have no information of that kind, but I have no reason to suppose it is not true. In reply to the hon. Gentleman opposite, I can only repeat what I said the other afternoon. Until the salaries have been paid by the managers who are primarily responsible I have no liberty under the Defaulting Authorities Act to consider the question whether I should put the Act in force.

MR. LYTTELTON (St. George's, Hanover Square): Does the right hon. Gentleman persist in saying he will not send a circular to the managers advising them that the Government will see them through if the salaries are paid?

MR. McKENNA: As I read the Act of Parliament I have no authority to take the course suggested. I cannot guarantee to pay public money except under statutory authority.

LORD BALCARRES (Lancashire, Chorley): In the letter which he received this morning from the authority, was the right hon. Gentleman informed that the salaries have all been paid?

MR. McKENNA: No; had I been so informed I should have been able to give a different reply to my hon. friend.

MR. PIKE PEASE (Darlington): Can the right hon. Gentleman say who paid these salaries?

MR. McKENNA: If I had had the information I should have been able to give it my hon. friend.

Grants for Secondary Schools.

MR. LLEWELYN WILLIAMS: I beg to ask the President of the Board of Education whether his attention has been called to the fact that the Government Grant to English secondary schools is £5 per head of the scholars over twelve years of age, and a grant per head of the scholars below that age equivalent in amount to what it would have been if they had remained in the elementary schools; that the grant to Welsh secondary schools is confined to the four years course, and is apportioned as follows:—First year, 75s.; second year, 85s.; third year, 95s.; fourth year, 100s.; whether the restriction as to the four years course has been removed in the case of English Secondary schools and applies now only to those of Wales;

whether restrictions as to the division of time amongst the various subjects have been removed from the English regulations, while they have been retained in Welsh regulations; and, if so, will he say why these distinctions, all of which are to the disadvantage of the Welsh as compared with the English secondary schools, have been made or retained; and whether he can hold out any hope that they shall be forthwith removed.

MR. McKENNA: My hon. friend is mistaken in his statement of the grants to English Secondary Schools. While it is true that in certain of those schools the grant will be £5 per head of the scholars over twelve, and a grant of £2 per head will be paid on some of the scholars between ten and twelve years of age, in other schools the grant will be only 50s., with no grant for scholars under twelve. My hon. friend has correctly stated the scale of grants for the Welsh Secondary Schools, but it must be noted that, except two, all of the Welsh Schools will be paid on the scale he names. He will observe that the Welsh scale is intermediate between the two English scales, and in the actual working out of the figures on the respective scales it will be found that the total contribution to Wales out of the new money granted by the Chancellor of the Exchequer is exactly the same proportion of the sum paid to England as has been paid in the last three years. The restriction as to a four years course has not been removed, but with a view to next year's regulations the Department is carefully considering whether having regard to the different conditions prevailing in Wales the restriction can be removed without detriment to Welsh education. With regard to the division of time amongst the various subjects, my hon, friend appears to have overlooked Article 6 of the Welsh regulations, which provides for the modification of the ordinary curriculum where necessary.

MR. LLEWELYN WILLIAMS: May I ask if a differentiation in the grant has been made for the first time this year between Welsh and English secondary schools, and were the head officials of the Welsh Department of the Board of Education consulted before the differentiation was made?

MR. McKENNA: Certainly. My hon friend must understand that the English regulations differentiate between two types of schools in England, whereas in Wales with the exception of two schools they are all of one type. Had Wales been united with England in this matter the Welsh schools would not have been able to get the higher rate of grant.

Inspections of Welsh Intermediate Schools.

MR. LLEWELYN WILLIAMS: I beg to ask the President of the Board of Education whether he is in a position to say if the difficulties which have arisen with reference to the dual inspection of intermediate schools in Wales have now been overcome; and, if so, what is the nature of the arrangement which has been come to between the Board of Education and the Central Welsh Board.

MR. McKENNA: The Board of Education's Chief Inspector in Wales and the Chief Inspector of the Central Welsh Board are now conferring with a view to arriving at a working arrangement to overcome the difficulties referred to.

MR. LLEWELLYN WILLIAMS: When will the arrangement be completed? I asked this Question fully a month ago and got precisely the same Answer.

MR. McKENNA: No one is more anxious than I am to complete it.

* MR. REES (Montgomery Boroughs): Is there not a strong feeling in Wales that it should be arranged at the earliest possible moment?

MR. McKENNA: Yes, and I fully share that view.

Palmistry in Scotland.

MR. WATT: I beg to ask the Lord Advocate whether his attention has been called to the increase of palmistry and crystal-gazing in Scotland; and will he explain why so few prosecutions for this offence have taken place under his jurisdiction. May I say that this Question has been so much altered since I handed it in that I think the proper form of putting it is to say—"The Junior Clerk at the Table and I beg to ask Question 36."

THE LORD ADVOCATE (Mr. THOMAS SHAW, Hawick Burghs): My attention has not been called to these practices. As the law stands they are not *per se* criminal offences. I see no reason to suppose that there has been any remissness on the part of the Procurators Fiscal or other authorities.

Scottish Churches Commission.

MR. ESSLEMONT (Aberdeen, S.): I beg to ask the Prime Minister what amount of capital funds was entrusted for allocation to the Commissioners under The Churches (Scotland) Act, 1905; what sums have now been allocated to the Free Church and the United Free Church, respectively; and what amount remains unallocated.

THE SECRETARY FOR SCOTLAND (Mr. SINCLAIR, Forfarshire): The evidence given before the Royal Commission showed the total of all the funds of the undivided Church to be £1,618,000. I am informed that subject to the addition of certain legacies which were not then available, this is believed to be correct. The Commissioners are not at this moment in a position to give a final and specific statement of amounts under the several heads of allocation; but for the convenience of those interested, they have, in their Memoranda on this subject, closely followed the arrangement of the Abstract of Funds quoted in the Report of the Royal Commission, and a comparison of these documents will give the information required as accurately as is as yet practicable.

MR. ESSLEMONT: Do the Government intend to take any action to prevent the improper allocation of the money ?

MR. SINCLAIR: That is a matter clearly within the discretion of the Royal Commission, with whose action the Government has no power to interfere at this stage.

MR. GULLAND (Dumfries Burghs): I beg to ask the Prime Minister whether he is aware that, by a Memorandum dated 26th July, the Churches (Scotland) Act Commission has from capital funds subscribed for definite purposes allocated to the Free Church a lump sum of £250,000 for the support of the ministry, for itinerant preachers, and for administration, and that, to prevent the Church from being unduly fettered in its detailed distribution and management, this fund has been allocated without any restriction to the trust purposes for which it was originally subscribed; and whether, in view of this diversion of trust funds, he proposes to take any action.

MR. SINCLAIR: I am acquainted with the terms of the Memorandum referred to by my hon. friend, but since the Commission have acted on the responsibility imposed on them by the Act of 1905, I am not prepared to take any action.

MR. GULLAND: How will it be secured that the money is applied to the purposes for which it has been allocated if there are no restrictions as to its distribution ?

MR. SINCLAIR: That is a matter for the Royal Commission at present.

Fermanagh Agricultural Show.

MR. C. MACVEIGH (Donegal, E.): On behalf of the Member for South Down I beg to ask the Vice-President of the Department of Agriculture (Ireland) if he will state what amount the Department contribute to the Fermanagh annual agricultural show; to whom is the paying order issued; who are respectively the manager, the treasurer, and the secretary of the show; what remuneration do they receive; and, seeing that this show receives a grant from public funds, will the Vice-President insist that the accounts are annually audited and that a statement of the financial position is published for the information of the public.

THE VICE-PRESIDENT OF THE DEPARTMENT OF AGRICULTURE FOR IRELAND (Mr. T. W. RUSSELL, Tyrone, S.): The Department do not make a direct grant in aid of the show held by the Fermanagh Farming Society, but the Fermanagh County Committee of Agriculture have this year out of the funds at their disposal contributed a sum of £106 towards the prize fund of the society in accordance with the conditions of the scheme of subsidies to agricultural shows. The proportion of this amount for which the Department will be liable to the county committee is £59. The paying order for this amount of £106 will be issued by the committee presumably to the treasurer of the society. The show is managed by a committee. The honorary secretary of the society is Sir Douglas Brooke, and the acting secretary is Mr. Robert W. Wilson, who presumably is authorised to act as treasurer. In the financial transactions for 1906, as audited, a sum of £20 appears to have been paid as salary to the secretary. The accounts of the society are audited each year and a copy is submitted to the Department through the County Committee of Agriculture. It is a matter for consideration by the County Committee of Agriculture concerned whether they will publish the information which they obtain in regard to the financial position of each society receiving a grant from the joint fund available for subsidies to shows.

Grangemellon Evicted Tenant.

MR. KILBRIDE (Kildare, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Estates Commissioners received an application for reinstatement from Andrew Farrell, who was evicted by Sir Anthony Weldon from his holding at Grangemellon, county Kildare, about eleven years ago; are the Estates Commissioners aware that Sir Anthony Weldon is in possession of 200 acres of grass land at Grangemellon; have they made inquiry whether he is willing to sell this land; and whether he can say what steps have been taken by the Estates Commissioners to reinstate Andrew Farrell or provide him with a holding.

THE CHIEF SECRETARY FOR IRELAND (Mr. BIRRELL, Bristol, N.): The Estates Commissioners have received from Andrew Farrell an application for reinstatement in a holding which is occupied by another tenant. The Commissioners will consider the application upon the distribution of any untenanted land which they may acquire. Sir Anthony Weldon has informed the Commissioners that he has no untenanted land, except that which belongs to his demesne, and which he has no intention of selling.

Derry Workhouse.

MR. SHEEHY (Meath, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to the action taken by the Local Government Board relative to a complaint made by Nurse Geddes, of the Derry workhouse infimary, respecting the visit of Mr. and Mrs. Morris, both guardians of the union, to see a patient in the infirmary on the 28th April last; whether the Local Government Board, without asking for an explanation from the guardians in question or making any inquiry into the allegations made against them, but merely acting upon the unsupported statement of Nurse Geddes, wrote a letter, dated 17th May, to the board of guardians condemning the action of Mr. and Mrs. Morris as being most injudicious and calculated to affect seriously the chances of the patient's recovery; and if, having regard to the injury to the personal and public reputation of Mr. and Mrs. Morris in consequence of the charges and by the public censure involved in the letter of the Local Government Board, he will direct a full inquiry, if necessary upon oath, into all the circumstances connected with this matter.

MR. BIRRELL: In this case the nurse in charge of the infirmary ward complained that Mr. and Mrs. Morris visited the ward after visiting hours, and, despite her protests, insisted on speaking to a patient who was in a critical condition, with the result that the patient became much excited and was for a time seriously affected. The nurse's report came before the guardians who, upon a motion seconded by Mrs. Morris herself, requested the Local Government Board to take such action in the matter as they deemed right. The Board replied in the terms indicated in the Question. As regards the concluding part of the Question the Board wrote to Mr. Morris on 3rd June last, asking if he was prepared to deny the accuracy of certain statements made in the nurse's report, but he has never done so. If, however, he is prepared to do so, the Board will hold an inquiry on oath into the matter.

Athenry Constable's Pension.

MR. FETHERSTONHAUGH (Fermanagh, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland what provision has been made, in addition to his ordinary pension as a constable, for Constable O'Halloran, Royal Irish Constabulary, who was, in October last, shot and severely wounded near

Athenry, county Galway, while protecting the house of Colonel Lopdell; was Constable O'Halloran near his promotion to the rank of acting-sergeant; and has the loss of promotion been considered in determining the provision to be made for him.

Mr. BIRRELL: The amount of the pension to be awarded to the constable has not yet been decided; the matter is at present under consideration.

Margison Estate, Limerick.

Mr. LUNDON (Limerick, E.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland can he say why it is that the vesting orders have been so long withheld from the tenants on the Margison property around Oola, county Limerick, and Cullen, county Tipperary, inasmuch as the arrangements for sale and purchase were concluded, and articles signed, between the owners and the tenants as far back as April, 1905.

Mr. BIRRELL: The purchase agreements relating to this estate were lodged in August, 1905. The case has not yet reached its turn to be dealt with in order of priority.

Mr. Reddy, M.P. — Removal from the Commission of the Peace.

Mr. MOONEY (Newry): On behalf of the hon. Member for Waterford, I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the hon. Member for the Birr Division of King's County has been removed from the commission of the peace for a speech alleged to have been delivered by him at Kilchreest, without being asked to give an explanation of the speech; whether it is the usual practice of the Lord Chancellor to ask for explanations of any alleged misconduct; and whether the hon. Member for the Birr Division will be treated in the ordinary way, and be heard in his own defence.

Mr. BIRRELL: Yes, Sir. The Lord Chancellor has superseded the hon. Member for the Birr Division in the Commission of the Peace. Some two months ago the Lord Chancellor had occasion to warn the hon. Member that as a magistrate he was bound to be specially careful to avoid the use of language that could in any way be construed as an incitement to a breach of the law. Notwithstanding this warning the hon. Member delivered a speech at Kilchreest on 21st July, in which he advised his hearers—not once or twice, but repeatedly — to drive the cattle off the grazing lands. The Lord Chancellor had a verbatim report of the speech before him, and therefore did not consider it necessary to call on the hon. Member for an explanation. The speech throughout was of such a character as to admit of no satisfactory explanation.

Mr. MOONEY: Is it not the usual practice in such a case to forward a copy of the speech to the person who is alleged to have made it and to ask whether he admits the authenticity of the report, and is it not a fact that in this case the report upon which the Lord Chancellor acted was of the usual official police type—a type that has not often been acted upon in Ireland?

Mr. BIRRELL: I have read the speech of the hon. Member myself from the shorthand writer's report which is a verbation report of the speech, and I quite agree that he should have been communicated with if the question rested on any particular passage, or any particular paragraph, but the fact is that the whole speech was of such a character —that not one paragraph merely was of the kind complained of, but a great number.

Mr. PATRICK O'BRIEN (Kilkeny): May I ask who was the person who made the report—was it an ordinary police reporter?

Mr. BIRRELL: He was a police reporter qualified to take down a speech in shorthand.

Mr. PATRICK O'BRIEN: Is the right hon. Gentleman aware that juries in Ireland have repeatedly refused to act upon such reports of speeches after counsel had tested them showing that they were not reliable reports?

Mr. BIRRELL: This, let me remind the hon. Member, is not a case of criminal prosecution. It is simply a question which is at the discretion of the Lord Chancellor—whether a person who made a speech of this sort is a proper person to be in the Commission of the Peace, and I am quite sure that if the hon. Member read the speech he would be satisfied that the hon. Member for the Birr Division was in the light of it in a position of not being qualified.

MR. PATRICK O'BRIEN : Is it not of the essence of the case that the Lord Chancellor should be satisfied that the person who supplied the report was competent to give a correct report of the speech ?

[No answer was returned.]

MR. MOORE (Armagh, N.): As I understand it now the hon. Member is going to run away from what he said in the speech referred to.

Royal Irish Constabulary—Commission of Inquiry in 1901.

MR. MYER: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland in view of the disaffection in the Royal Irish Constabulary, why no action was taken to give effect to the recommendations, under the second heading, of the Viceregal Committee of Inquiry appointed in 1901.

MR. BIRRELL: My hon. friend is under a misapprehension. The recommendations of the Committee of Inquiry of 1901, under the second heading, namely, those not entailing legislation, have been carried into effect at a cost of £21,000 per annum.

Mr. Justice Dodd.

MR. T. L. CORBETT (Down, N.) : I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland how many Land Commission appeals have been decided by the Hon. Mr. Justice Dodd since his appointment in February last ; on how many days between his appointment and 1st August, 1907, has he sat as a Judge of the High Court for the King's Bench Division; did he go on circuit as a King's Bench Judge; what provision was made for the disposal of the appeals in the Land Commission during his absence from Land Commission duty; and is Mr. Justice Dodd at present vacation Judge and also Judge at the Commission at Green Street for the trial of criminal cases.

MR. BIRRELL: Mr. Justice Dodd has sat in twelve different counties and heard 372 Land Commission appeals, but the number of cases actually disposed of was very much larger, many cases having been settled or withdrawn in Court. Up to 1st instant, the learned Judge had sat in the King's Bench Division on twenty-two days. He also went on circuit as Judge of Assize. While he was so occupied, the duty of hearing appeals was discharged by Mr. Justice Wylie and Mr. Justice Fitzgerald. Mr. Justice Dodd is at present the vacation Judge, and he will also preside at the Commission at Green Street for trial of criminal cases. These duties fall to him in consequence of his appointment as a Judge of the High Court.

Labourers' Cottages—Advances in Ireland.

MR. LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will state the total amount advanced from the Land Purchase Fund to rural district councils for the provision of cottages and allotments under the Labourers Act of 1906 up to the 30th June last.

MR. BIRRELL: The total amount is £79,915.

Exchequer Contributions to Irish Land Purchases.

MR. LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will specify the Irish counties which, at 31st March last, had to their credit unexpended balances of the shares payable to those counties before the commencement of the Labourers (Ireland) Act, 1906, out of the residue of the Exchequer contribution under The Purchase of Land (Ireland) Act, 1891, and the respective amounts so credited.

MR. BIRRELL: Armagh, £4,418; Down, £3,264; Galway, £5,131; Mayo, £9,553; Sligo. £2,933.

Nationalist Excursions on the River Blackwater.

MR. LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that annoyance is being caused to Protestant residents along the River Blackwater, from Charlemont to Lough Neagh, by Nationalists who take part in river excursions on

Sundays, and who, when passing through Protestant districts, behave in a threatening and provocative manner; whether he is aware that similar conduct last year provoked a disturbance, and the police undertook to prevent Nationalist excursionists giving offence in future; and whether, in view of the recent renewal of the practices complained of and the danger of a breach of the peace resulting therefrom, he will take action to prevent these exhibitions.

MR. BIRRELL: The police authorities inform me that on Sunday, 28th July, an excursion party was returning by steamer along the River Blackwater, when the band played Party tunes, and some of the persons on board shouted when passing through localities inhabited by the opposite party. Provocative conduct of this kind, from whichever side it may come, is much to be deprecated. It is the fact that similar conduct last year led to a disturbance. The police have no power to prevent excursions on the river, but they will use all possible efforts to preserve the peace, and will prosecute if offences should be committed. They will also use any influence they may possess with the leaders of the excursion parties in order that they may prevent any unruly followers from giving offence.

Lord Ardilaun's Herbert Estate.

MR. JOHN MURPHY (Kerry, E.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he will request the Estates Commissioners to induce Lord Ardilaun to sell the portion of the Herbert Estate in his possession to the occupying tenants, so that they may derive the benefits already secured by the other tenants of the larger portion of the estate which has already been sold to the tenants.

MR. BIRRELL: The Estates Commissioners inform me that this is not a case in which their intervention is possible. Under the regulations of 13th February, 1906, their action as conciliators is confined to cases in which differences exist between landlord and tenant in connection with the terms of sale and purchase. It does not appear that any negotiations for purchase are pending in this case.

In reply to a further question by Mr. MURPHY—

MR. BIRRELL said that compulsion to sell was out of the question.

Kenmare Estate, Kerry.

MR. JOHN MURPHY: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether, seeing that the tenants on the Kenmare estate, county Kerry, have signed an agreement, one of the conditions of which is that a sale of the congested portions of the estate should take place through the Congested Districts Board, he will request the Board to make inquiries as to this sale in the county of Kerry without further delay.

MR. BIRRELL: The Congested Districts Board have received suggestions from the solicitor acting for the tenants on the Kenmare estate, and these will be considered by the Board at their next meeting. The estate has not been offered for sale to the Board.

Irish Evicted Tenants.

MR. FELL: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if the evicted tenants proposed to be reinstated on farms under the Evicted Tenants (Ireland) Bill are approximately of the average age of sixty-five years; and, if so, if he will consider the advisability of arranging that such tenants shall be pensioned off at a cost of less than half the £2,000,000, the estimated cost of their reinstatement.

MR. BIRRELL: I have already informed the hon. Member that I have no information which would enable an estimate to be made of the average age of the evicted tenants whom it is proposed to restore. I would, however, add that many of the applicants are the sons or other representatives of deceased evicted tenants. The Answer to the latter part of the Question is in the negative. As regards the suggestion that the reinstatement of evicted tenants will cost £2,000,000, I would remind the hon. Member that the amounts to be advanced to enable reinstated tenants to purchase holdings will be repayable in the form of annuities.

Ballyquinton Point, County Down.

MR. T. L. CORBETT: I beg to ask the President of the Board of Trade whether the Lights Commissioners have decided to light Ballyquinton Point, county Down; and, if so, when the work will be commenced.

MR. LLOYD-GEORGE: I am informed by the Commissioners of Irish Lights that they have not decided to light Ballyquinton Point.

Public Accounts Committee's Report.

MR. LEA: I beg to ask the Prime Minister what is the date of the day for the discussion of the Report from the Public Accounts Committee; and will the whole of the day be allocated for that purpose as promised.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): I have repeatedly said that this date cannot be fixed until quite close to the end of the session, and there has been no promise of a whole day.

MR. LEA: I have put sixteen Questions lately to the Secretary for War which have not been answered because the matter arises on this Report. Is the right hon. Gentleman aware that the evidence taken by that Committee is not yet in the hands of the Members.

SIR H. CAMPBELL-BANNERMAN: I am not responsible for that, but it is an additional reason for postponing the consideration of the Report.

MR. VICTOR CAVENDISH (Derbyshire, W.): The evidence will be circulated next week.

Scottish Deputy-Lieutenancies.

MR. WATT: I beg to ask the Prime Minister whether he is aware that deputy-lieutenancies of counties in Scotland, which positions are given as rewards for distinguished public services, are largely given to members of one political party; whether this is due to the absence of suitable men in the other political parties; and, if not, will he see that pressure is brought to bear on lords-lieutenant to appoint men without consideration of party, or will he bring in legislation depriving them of these important appointments.

SIR H. CAMPBELL-BANNERMAN: I am not aware that deputy-lieutenancies are regarded as rewards for distinguished public services. They are selected by the lord-lieutenant, whose discretion in the matter is virtually absolute. I am afraid I have no means of bringing pressure to bear on lords-lieutenant even if I wished to exercise it, and I think we have many other and more important subjects requiring legislation. Under the new territorial system, however, it may be desirable to alter the qualification, and military services may be recognised in the appointments. This matter is under consideration.

Winter Sessions of Parliament.

MR. BYLES (Salford, N.): I beg to ask the Prime Minister, is it intended next session to propose an early adjournment followed by an autumn or winter session, in accordance with evidence gathered a year ago from Members of the House.

SIR H. CAMPBELL-BANNERMAN: I can make no announcement on this subject.

Belfast Labour Disputes.

MR. CURRAN (Durham, Jarrow): I desire to put the Question which I submitted in accordance with private notice yesterday to the Secretary of State for War, but to which, owing to the right hon. Gentleman's absence, I did not obtain an answer. It is whether he is aware that a large number of military troops were turned out yesterday morning to parade the streets of Belfast on picket duty with fixed bayonets and that each man was supplied with twenty rounds of ball cartridge; and whether he will use his influence to put a stop to this display of military, which only tends to render abortive all attempts to bring the dispute to a peaceful conclusion.

MR. HALDANE: I am not sure that the hon. Member quite realises where the responsibility rests for dealing with a situation of this nature. By the law of the country, everyone is bound to aid in the suppression of riotous assemblages, and it is the duty of the civil authorities to regulate the force employed in proportion to the danger to be apprehended. At Belfast the situation has been judged sufficiently serious to call for military intervention, and the military authorities have complied, as they are by law bound to comply, with the requisition of the civil power. I may add that the composition and the duties of the force have been settled in consultation between the General Officer Commanding and the Irish Government, and I have every confidence that the orders issued to the troops are such as are demanded by the necessity of maintaining civil order.

Mr. CURRAN: I desire to ask whether the right hon. Gentleman is aware that in addition to their endeavours to maintain law and order the troops were being used as private employees of the Belfast railway and shipping companies?

Mr. HALDANE: I am not aware of that. It is the duty of these troops to give such assistance as is strictly necessary to the civil authorities to maintain law and order.

Mr. CURRAN: Arising out of the right hon. Gentleman's reply, may I ask him whether he is aware that through the presence of such a large force of military the Trade Disputes Act is rendered absolutely inoperative in Belfast, and so far as peaceful picketing is concerned it is absolutely hopeless under the present condition of martial law?

Mr. MOORE: Is the right hon. Gentleman aware that the action of the Irish executive in Belfast has the confidence of three-quarters or the majority of the inhabitants of the city?

Mr. CURRAN: May I now, Mr. Speaker, put the same question which I have put to the Secretary for War to the Chief Secretary for Ireland?

Mr. BIRRELL: This is what may be called a change of venue, and I think I should like the hon. Member to repeat his question at a later date.

Mr. CURRAN: May I ask the Chief Secretary my last question, viz., whether he was aware that the Trade Disputes Act is being rendered absolutely inoperative by the presence of these troops and that peaceful picketing is an impossibility?

Mr. BIRRELL: That is contrary to the information I have received. The hon. Member was kind enough a little while ago to put the question to me, and I telegraphed to Belfast for information on the point. The reply I received was that nothing could be more contrary to the wish of anyone than that the soldiers should prevent peaceful picketing. I only know of one instance which has occurred, where a Highlander is alleged to have assaulted a person answering to the description of a peaceful picketer. This was being made the subject of special inquiry. There is nothing further from the intention of the civil authorities in Belfast—so far as I can speak for them, but I must decline to hold myself responsible for them—I say there is nothing further from the intention of the civil authorities in Belfast than that peaceful picketing should be prevented. It is the desire of the military authorities that the troops should be withdrawn as speedily as possible, and as soon as is consistent with law and order in the city. The civil authorities cannot give Belfast over entirely to the strikers, there are other persons to be considered, and I assure the hon. Member that this strike presses heavily upon them. No one has the faintest desire that the dispute shall be maintained a day longer than is necessary, but in the opinion of the authorities there were grave circumstances which rendered it necessary that the military should be in the city owing to the disaffection among the police. That disaffection, however, has now been happily removed, and the police have returned to duty and are behaving in an admirable manner. I hope before long it will be possible to remove the military.

Mr. SHACKLETON (Lancashire, Clitheroe): Is the right hon. Gentleman aware that Robert Graham was assaulted by P.C. 588, and N. Bennett by P.C. 459, and John Gwynn by Sergt. 39, and others—men who were peacefully picketing, and whether he is aware that from information that comes to hand to-day the moment a man gets near a wagon he is seized by the police, batoned by them, and unable to have an opportunity of peacefully saying a word to any men taking the places of other workmen, and whether he will make inquiries into these facts?

Mr. BIRRELL: If the hon. Member can give me the numbers I will make inquiry, but the information I may say is contrary to what I have received.

MR. MOORE: Will the right hon. Gentleman get the information from Belfast that these men who claim to be peaceful picketers are all armed with heavy bludgeons?

MR. GRAYSON (Yorkshire, W.R., Colne Valley): May I ask the right hon. Gentleman whether it is interpreting the spirit or the letter of the Trade Disputes Act, to make it absolutely impossible for pickets to approach men who are acting as blacklegs?

MR. BIRRELL: I decline to make myself responsible for the civil authorities at Belfast, who are doing their best under very difficult circumstances, and under pressure from the citizens to maintain order. If any information is provided I will communicate with a view to ascertaining the actual facts.

MR. GRAYSON: Is the right hon. Gentleman aware that the section of the citizens who brought this pressure to bear are the Employers' Protection Association, and the firms immediately concerned, and that the military are being employed even against the wishes of the employers who desire to submit the matter to arbitration? Is the right hon. Gentleman prepared to sanction the continuance of this military force in Belfast under the circumstances that the employers would agree to arbitration?

MR. BIRRELL: I have no power to remove the military from Belfast if the civil authorities wish them to remain there.

MR. CLYNES (Manchester, N.E.): Have the military authorities in supplying troops taken into consideration the enormous advantage they are giving to the employers?

MR. HALDANE: The duty of the military authorities is to assist the local authorities when they are properly called on to enforce the law. They are only obeying the law in doing it.

MR. O'GRADY: Is the right hon. Gentleman aware that the military are being used as workmen in the interests of the employers, and will he put a stop to it?

MR. HALDANE: I do not admit they are being used as workmen. When you are dealing with a great riot of this kind you naturally avoid using weapons of offence beyond what is more than necessary. No doubt the soldiers associate themselves with civilian methods, but that they have been acting as workmen I do not believe.

MR. GRAYSON: Is it proper for the soldiers to fix their bayonets when there is no sign of a riot?

MR. HALDANE: I will consider a concrete case when it comes up.

BUSINESS OF THE HOUSE.

SIR PHILIP MAGNUS (London University) asked the Prime Minister whether, having regard to the admitted inconvenience caused to Members of the House by the fact that recently they had been unable to learn till late in the evening of the same day what business would be taken after the conclusion of business for which time had been allotted, he would endeavour to give a full day's notice of such business, or would at least make a statement at Question time each day giving the required information.

SIR H. CAMPBELL BANNERMAN thought that it would be better to adhere to the usual custom of allowing the business to be determined by consultation in the course of the sitting. It would be more convenient to the House generally that the business after 11 o'clock should be mutually arranged between the Government and the Opposition through the customary channels. An endeavour was thus made, and would continue to be made, to meet the wishes and the convenience of hon. Members. It was very difficult to make these arrangements early in the day.

MR. SHACKLETON put in a claim that other sections besides the Opposition should be consulted before any definite decision was come to.

MR. WALTER LONG asked as to the course of business for the next few days.

SIR H. CAMPBELL-BANNERMAN said that arrangements had been made which would obviate a sitting on Saturday. To-morrow the first business would be the Third Reading of the Small Landholders (Scotland) Bill, and afterwards the adjourned debate for the allocation of time in respect of the Small Holdings and Allotments Bill. This would be finished at half-past five o'clock, and then a short time —two or three hours—would be given to a discussion of the Patents and Designs Bill. On Monday, Tuesday, and Wednesday of next week the Small Holdings and Allotments Bill would be taken, on Thursday the Second Reading of the Appropriation Bill, and on Friday the Third Reading of the Small Holdings and Allotments Bill. He could assure the hon. Member for the Clitheroe Division there was no desire to conceal from any section of the House the nature of the business to be taken.

SIR A. ACLAND-HOOD (Somerset, Wellington) suggested that after an arrangement of business had been made by agreement with all sections of the House further alterations might be indicated on a board in the lobby.

SIR H. CAMPBELL-BANNERMAN: That would be a very good idea.

MR. STANLEY WILSON (Yorkshire, E.R., Holderness): Is the right hon. Gentleman still of opinion that Parliament will be prorogued on 24th August?

SIR H. CAMPBELL-BANNERMAN: If the hon. Member will tell me what is likely to happen here as well as elsewhere I can answer his Question.

LAND VALUES (SCOTLAND) BILL.

Reported, with Amendments, from the Standing Committee on Scottish Bills.

Report to lie upon the Table, and to be printed. [No. 291.]

Minutes of the Proceedings of the Standing Committee to be printed. [No. 291.]

Bill, as amended (by the Standing Committee), to be taken into consideration To-morrow, and to be printed. [Bill 306.]

TRANSVAAL LOAN [GUARANTEE].

Committee to consider of authorising the Treasury to guarantee, on the security of the Consolidated Fund, the interest of a loan to be raised by the Colony of the Transvaal, and the principal of any such Loan by means of the guarantee of Sinking Fund payments (King's Recommendation signified), To-morrow.—(*Mr. Chancellor of the Exchequer.*)

HOME WORK.

Report from the Select Committee, with Minutes of Evidence and an Appendix, brought up, and read [Inquiry not completed].

Report to lie upon the Table, and to be printed. [No. 290.]

SMALL LANDHOLDERS (SCOTLAND) BILL.

As amended (by the Standing Committee), further considered.

*MR. STARKEY (Nottinghamshire, Newark) said that in Committee upstairs the Secretary for Scotland promised to make some concessions in regard to Clause 16, but he regretted that these concessions, as they appeared on the Paper, did not altogether cover the difficulty. The clause dealt with a holding becoming vacant when the landlord might under certain conditions—

> "be entitled without the consent of the Agricultural Commissioners to let the holding otherwise than to a neighbouring landholder for the enlargement of his holding or to a new holder."

The effect of the Amendment standing in his name was to prevent the land going out of cultivation. It was a very reasonable and modest Amendment. It suggested that if a holding became vacant and the landlord was unable to find a new tenant and acquainted the Agricultural Commissioners with the fact, and if the Agricultural Commissioners were unable to find a tenant or were unwilling to cultivate the land themselves, then the land should return to the landlord to do with it what he thought best. He believed that that was the best way out of the difficulty. They were told that the Agricultural Commissioners were reasonable people, but why should unreasonable powers be given to them in this matter? If they had powers which it was extremely improbable they would exercise, and if they would never insist on a holding being unoccupied and allowed to go out of cultivation, the landlord being paid compensation for his loss, it was surely better that the Agricultural Commissioners should not have those powers at all. This clause belonged to a future period. At present everybody would be desirous of taking a small holding which should shower golden gifts upon the holder. If any impecunious person could obtain a loan for his holding there would, no doubt, be a great demand among all classes to obtain a share in the benefits that would fall on the small tenants of Scotland. When, however, this particular clause came into effect the small holding would be either given up, or the holder would be dead. The small holding might prove not very remunerative; if it had the holder would have assigned it to somebody else. In these circumstances, why should not the landlord have the land and do the best he could with it? It was an unreasonable proposition that the land should be kept out of cultivation, and that the Agricultural Commissioners should be put in the position of a dog in the manger, because they would not let it themselves nor would they allow the landlord to let it. It should be remembered that the rent was fixed as a fair rent, and if a tenant was not forthcoming it was not because the rent was too high, or that the old tenant had been treated with unfairness, but simply because that particular holding had not been successful. In the event of a large number of small holdings being created, some of them were sure to be not altogether successful on account of distance from markets and the reduction in the value of their produce by cultivation. He thought it should be perfectly impossible for the Agricultural Commissioners to insist on the land going out of cultivation, because that would be a most flaring advertisement to the whole countryside of the dismal failure of the small holdings system. He hoped the right hon. Gentleman would see his way to accept what he thought was a most reasonable and moderate Amendment, which he now begged to move.

MR. LANE-FOX (Yorkshire, W.R., Barkston Ash) seconded the Amendment. This clause in the Bill he thought was the most extraordinary he had ever come across in any Act of Parliament. The power of the landlord in dealing with the holding when it became vacant from any cause was entirely taken away from him. The Government said that the landlord was to be compensated for any loss he might suffer. But there was a good deal more involved here than the landlord's loss. The whole question of the general success of the cultivation of small holdings came in. The main point was what was going to be the effect on the neighbouring small holders in the event of the renunciation, removal, or failure of a small holder. They all knew that when a field was allowed to go out of cultivation, thistles and other weeds spread from it to neighbouring holdings. All that the Amendment asked was that if no tenant was forthcoming and if the Agricultural Commissioners did not desire to cultivate the holding the landlord should have the power to take over the land. The scheme of the Bill was an experiment and there were bound to be a considerable number of failures on account of the want of experience of the men who would rush to take up these small holdings.

Amendment proposed to the Bill—

"In page 13, line 34, to leave out from the word 'landlord,' to the word 'Provided,' in page 14, line 3, and to insert the words 'may let the holding to a neighbouring landholder for the enlargement of his holding or to a new holder, but the landlord, if he fails to do so, shall intimate such failure to the Agricultural Commissioners who may, on repaying to the landlord any sum paid by him to the outgoing landholder, let the holding to a new holder at the former fair rent or occupy the holding themselves on the same terms and conditions. In default of notice from the Agricultural Commissioners of their intention to take either of these courses the landlord shall be entitled to resume the holding for such purposes as he deems best.' "—(*Mr. Starkey.*)

Question proposed, "That the words 'shall forthwith intimate the fact' stand part of the Bill."

THE SECRETARY FOR SCOTLAND (Mr. SINCLAIR, Forfarshire) was not at all sure whether these exact words would commend themselves to the House, but he was sure that some such provision would be desirable. There were two provisions in the clause, the one positive and the other negative. The difference between the proposal and the clause was that, after information had been laid before the Agricultural Commissioners, they were first of all under the obligation to pay to the landlord any sum due to him from the outgoing tenant, and then they were to let the holding to a new tenant, or occupy the holding themselves. That meant that if the landowner failed to find a new tenant, probably with the co-operation of the Land Commissioners, the Amendment of the hon. Member proposed that the Land Commissioners should be specially empowered to find a new tenant. That was a proposal that the Agricultural Commissioners should have to keep the holding themselves if they failed to find a tenant. The Government in Committee resisted this proposal on the ground that the Agricultural Commissioners were not fitting holders of small holdings. He did not think there could be anything more disastrous than to have the country dotted about with small holdings held by the Agricultural Commissioners. The scheme of the clause was perfectly simple and did not embody a dog in the manger policy in cases of removal, renunciation, or failure in consequence of which the holding became vacant. There was plenty of notice to the landlord and the Agricultural Commissioners to find a new tenant. Where that event happened it was at once communicated to the landlord, and the Agricultural Commissioners were empowered to apply to the landlord to fix the term during which the tenancy should go on. They were both interested in the land and they fixed the term during which an offer should be made by a successor to the tenancy. During the vacant period the landlord was compensated for any damage to his interest which had taken place. They thought they had met all the contingencies which might arise, and they preferred the clause in the shape in which they had framed it.

MR. WALTER LONG (Dublin, S.) said that as they in the House found themselves in some difficulty in reading the clause all he could say was, "God help the poor landowners," who, unlike themselves, were not accustomed to reading Acts of Parliament. They were told that this Bill was very simple, but it did not appear to them to be so. Hon. Members opposite not having the Bill in their hands received their statements with incredulity, but if they had the measure before them they would see that their account of it was accurate. He would like hon. Members who thought that the Bill would turn the whole of Scotland into a Garden of Eden to read it. The Amendment dealt with the *interregnum* during which the new tenant must be discovered. If there was much delay, injury would be done to the holding and to those around it. All that his hon. friend proposed was that the landlord should proceed to let the holding in strict conformity with the provisions of this Act. The landlord could not under the Amendment resume the holding for his own purposes, and could only let it to a small holder. Was not that, he asked, a reasonable and practicable proposition? The right hon. Gentleman dwelt upon the words "at or about the time," and said they provided for every contingency; but, notwithstanding everything that had been said about the Scotsmen by their own countrymen, some of them might take the opportunity of vanishing during the night and leaving the neighbourhood. The landowner, however, remained on the spot with his factor and was interested in the farm being occupied at once, and what was suggested was that the landlord should find a successor under the provisions of the Bill. The Government said, however, that they could not allow the landowner to do this, but if his tenant bolted, he must go to the Land Commissioners in Edinburgh. While hon. Members denounced red tape they were going to add to it. There were miles of red tape in this Bill. He could not see why the simple proposal of his hon. friend should not be adopted. If it was suggested that the landlord should resume his original possession he could understand objection being made, but there was no such suggestion, and he could not see why this proposal should not be adopted to provide for the *interregnum* which must necessarily elapse between the leaving of one tenant and the arrival of another. He had heard the right hon. Gentleman make some wonderful statements but never any so wonderful as that in which he said the Commissioners were suitable people to spend public money on small holdings, to control and administer other people's land, and be the landlords of a whole body of tenants; but they were not fit, according to the right hon. Gentleman, to be responsible for an individual holding in the *interregnum* between the departure of one tenant and the incoming of another. That was how the succession was to be provided for in Scotland. In England there were many precedents for this. In England there was already a not altogether dissimilar system. There were vast Crown estates spread all over the country which were managed by Commissioners, who had to deal with these cases as they arose, where a tenant departed or died, and the holding became temporarily vacant. Would anybody describe those Commissioners as not being fit to resume a tenancy? Where there was no tenant sitting they must occupy and cutivate. Had the right hon. Gentleman never heard of farms on the Crown estates being occupied and cultivated in similar circumstances by the Crown Estates Commissioners? These men were perfectly fit to occupy and cultivate these holdings, but that was not what the right hon. Gentleman meant when he said they were not fit to take them over. There was no one else to do it, and if these Commissioners were not fit to become temporary occupiers of the land then the land was to go to waste, to deteriorate and grow weeds.

Mr. SINCLAIR: No.

Mr. WALTER LONG said that it was all very well for the right hon. Gentleman to say no, but if he had had an ounce of agricultural knowledge he would know that such things must arise, that if a tenant went out and there was not another tenant to take immediate possession the farm would deteriorate and grow weeds, which would not only do great harm to the farm itself, but also to the neighbouring farms. That state of things was bound to arise if it was not provided against. He denied that the landlord was covered by the compensation clause which followed; for that only dealt with the damage done to the individual holding, not to the damage which might be done to the adjoining property. He predicted that before this Act had been three years on the Statute-book some provision of this kind would have to be made. He was astonished that the Secretary for Scotland had not seen his way to accept this reasonable and practical Amendment, although he confessed he ought not to be astonished after his experience on the Committee. This was, at all events, another instance of the right hon. Gentleman's unwillingness to accept a practicable Amendment.

Mr. SINCLAIR said the right hon. Gentleman made rather a fierce attack upon him. He had the Bill in his hand, but not apparently in his head. If he looked down the clause he would find that he was mistaken in his main proposition that the clause did not leave the landlord free to let the land. He had to do other things concurrently, but he was perfectly free so soon as a holding ceased or was about to cease to be occupied to take steps for the letting of the holding. He hoped that on reading the clause again the right hon. Gentleman would withdraw part of his criticism. The effect of the words in the Amendment was the same as that of those in the clause, except that in one case they were negative and in the other positive. The landlord would not only be as free to protect his interests under the new system as under the old, but he would have the assistance and co-operation of the Agricultural Commissioners, who would be interested in seeing that no damage was done and that nothing was running to waste. There was no fear of the contingency contemplated by the right hon. Gentleman of a tenant decamping by night, as he could not do that without losing the compensation which he would otherwise be entitled to claim. He therefore contended that the clause carried out the object of the Amendment, and he could not accept the Amendment.

Mr. **MUNRO FERGUSON** (Leith Burghs) said that the argument of the Secretary for Scotland depended on the assumption that the present system remained; but the right hon. Gentleman had upset that system. The owner, no doubt, had at present a direct interest in supervising such arrangements as those under consideration; but, so far as he could make out, the owner and his representatives in the future would only have one interest, and that would be in litigation either with the Commissioners or with the tenant. Why should the owner, after he was deprived of the whole power of management and the control of his capital, help, except on philanthropic grounds, to carry out the right hon. Gentleman's scheme? He was bound to say that the clause was absolutely consistent with the Bill, which totally disregarded the maintenance of anything in the nature of responsible management. They knew the difference between an estate properly managed and organised and an estate not properly managed and organised. But the right hon. Gentleman apparently thought that the existing system of management in Scotland, which was kept up at a cost of £250,000 to £300,000 a year, was going to be the instrument to carry out the Bill. He could not rely on that, however, and he had to depend on what he set up in its place—these elaborate provisions which would result in slovenly management, because incapables were to have a kind of hereditary claim on the land, whether owners or occupiers. The land was to be inalienable, and, therefore, the incapable holder could not be got rid of, and they would have two classes, the incapable tenant and the incapable landholder. And there was to be a grant of £65,000 a year in order to carry out the operation of the Bill, and the properly organised land system now existing was to be reduced to chaos. The clause made a change of tenancy as difficult as possible. Before the terms of transfer could be re-adjusted they had to deal with the occupier, to see the owner as to arrears of rent, to see the Land Court or Agricultural Commissioners, and the Small Holdings Commissoner, and all these people had to agree what the conditions were to be before the transfer of the tenancy could take place, while the faithful supporters of the Bill could look upon the land lying derelict with equanimity, so long as the provisions of the measure were maintained. It did not matter what happened to the land under this extraordinary system of procedure. The clause might appear simple in the eyes of those who supported it from the reason that they had never been able to look beyond the crofter tenure, which was a very simple thing, no doubt. Because the system of tenure in the crofter districts was simple, it was anticipated that it would be equally simple in the economic districts of Scotland. In the crofter districts, the crofters did not move about; there were not those changes of tenancy which they would have under this Bill, wherever it succeeded or wherever it failed; and he had no doubt that what was really at the back of the mind of the right hon. Gentleman was this, that because the crofters did not move about in the crofter districts and in the Highlands the experience would be similar under this Bill in other parts of the country. That was where the right hon. Gentleman was mistaken. Whether the Bill proved successful or whether it did not, there would be those changes of tenancy constantly going on in the economic districts, and they ought to have the most careful provisions made to meet that condition. Anything which would simplify procedure under the Bill would have his support, and anything which would tend to modify this clause would be of advantage in the working of the Bill when it came into operation.

Sir F. **BANBURY** (City of London) said the Secretary for Scotland had stated that there would be no difficulty, because the incoming tenant would arrange with the outgoing tenant in the future as he did now. But suppose there was no incoming tenant. The right hon. Gentleman seemed to have forgotten that altogether; he took it for granted that the incoming tenant was always going to be produced on the spot. The clause pointed out that the Land Court or the Agricultural Commissioners could relet the holding either for the purpose of enlarging a neighbouring holding or as a new holding.

But, if there were no people who wanted to come under this Act, and the existing landholders did not want to enlarge their neighbouring holdings, what was to happen, for both those eventualities were likely to occur? He did not regard the Bill as likely to encourage agriculture or create a demand for new holdings such as the right hon. Gentleman expected. Legislation should not be based on supposition. Under the existing system the landlord would cultivate the land himself until he found a new tenant, and it was to that the Amendment of his hon. friend was directed. Under the right hon. Gentleman's scheme the landlord was to go first of all to the Agricultural Commissioners, who in turn had to go to the Land Court; then an inquiry was to be held, and the Land Court would determine that the landlord might let the holding. How long was that going to take? It might take four or five months. The seed might not have been put into the ground, and the cultivation of the land might have gone to rack and ruin. "Oh," said the right hon. Gentleman, "compensation under those circumstances will be paid," but it was not clear whether the compensation would be paid only from the date when the Land Court arrived at its determination, or from the date when the holding became vacant. But why run the risk of having to pay compensation? The right hon. Gentleman seemed very anxious to pay compensation to everybody. Why not leave the landlord, if he chose, to cultivate the holding? Why take money out of the pockets of the English taxpayers to provide compensation when there was no necessity for it? The Amendment of his hon. friend was as simple as possible, because he desired that the landlord should be in a position to say to the Agricultural Commissioners: "I cannot find a tenant; the land is not wanted for a new holding, nor is it required to enlarge neighbouring holdings; therefore, I have to farm it myself." That was a statement which could at once be sent into the Agricultural Commissioners, who could reply: "You are not to do it; the whole matter is at an end." What could be simpler than that? It provided for eventualities; it saved money—which, after all, was a Scottish desire, unless it happened to be taken out of other people's pockets—and it prevented land from going out of cultivation. His right hon. friend was an expert agriculturist, and he knew perfectly well that if land was left out of cultivation for three months it took seven or eight months to put it right again. Under these circumstances he hoped the right hon. Gentleman would accept the Amendment.

MR. LAMBTON (Durham, S.E.) said that, as the hon. Baronet the Member for the City of London had pointed out, the Amendment did give the landlord some opportunity of cultivating the vacant holding and preventing it from deteriorating, but the right hon. Gentleman's own clause said—

> "Where, by reason of renunciation, removal failure of a statutory successor, or otherwise, a holding has at any time ceased," etc.

What did "or otherwise" mean? Did the words mean an economic failure as well as failure to find a statutory successor? A landlord might be unable to find a holder who wanted the land for the enlargement of his neighbouring holding, or as a new holding, and the object of the Amendment was to enable the landlord to step in and keep the land in cultivation, or, as his hon. friend the Member for the Leith Burghs had said, to put it to some other useful purpose. Of course, as the same hon. Member had put it, the right hon. Gentleman was so enamoured of his Bill that he could not see any possibility of failure. But practical agriculturists saw such a possibility. They knew that sometimes the best farms went out of cultivation for all sorts of reasons, which also might make the small holding a failure. And if any of these small holdings became a failure, it was absolutely necessary for the sake of agriculture that something should be done to keep the land in good condition. Surely the right hon. Gentleman did not wish to see derelict farms dotted up and down the country as the result of hasty legislation, and he hoped that by the acceptance of this Amendment, paralysis of that kind would be prevented. His hon. friend opposite had spoken in rather harsh terms of the Bill. He had never thought much of the measure himself; but he maintained that the right hon. Gentleman might endeavour to simplify the matter by accepting this Amendment which would do no earthly harm to anyone, and would enable the landlord to take possession of the land and prevent its deterioration.

MR. ABEL SMITH (Hertfordshire, Hertford) said that everyone knew that where a man gave up his holding in the ordinary way there was no difficulty whatever about passing it to a new occupier. These things were easily arranged in Scotland every day. That was under the normal and natural system which prevailed in this country and in Scotland. But the right hon. Gentleman forgot that by this Bill they were setting up a wholly abnormal and artificial system, under which, once a new holding was made, it was always to remain a holding. What was going to happen if the new holder did not turn up at the right moment, or if the next neighbouring holder did not require enlargement of his holding? It was obvious there must be an interval, because the clause said that the landlord should not do certain things until he had gone through a certain process. Therefore, there must be a certain interval while the Land Court and the Agricultural Commissioners were going through that process. It had been pointed out that arrangements might be made within intervals of a few weeks although there was some provision made for compensation it was quite inadequate to compensate not only the owner of the land, but also the neighbouring occupiers, for the damage which might be caused in a short interval. He would like to have some explanation as to who was going to carry on the cultivation of the land during the interval which must inevitably occur.

THE SOLICITOR-GENERAL FOR SCOTLAND (Mr. URE, Linlithgowshire) said that he remembered the time when the right hon. Gentleman the Member for South Dublin introduced the Agricultural Holdings Bill of 1,900, which embraced Scotland, and that measure introduced by reference at least seven or eight Acts of Parliament. He knew that the House spent days and nights trying to understand those Acts although his right hon. friend told them they were perfectly simple. He thought a little explanation would enable the House to understand this proposal. He admitted that when a small landowner went wrong and the holding became vacant the landlord had as free a hand as if it had been his own land. He could do what he pleased with it if he was kind enough to send a letter to the Agricultural Commissioners telling them that the holding had become vacant. Then it was for the Commissioners to make up their minds whether they would intervene or not. The landlord could act independently and do what he pleased with as free a hand as if this Bill had not been passed; but if the Agricultural Commissioners, after receiving notice, thought it right that the landlord should not resume the holding because he desired to feu it or let it to a neighbouring landowner or a new holder, then the Agricultural Commissioners were entitled to say: "You must not." If the landlord disputed their decision he could go to the Land Court to have the question settled. Assuming that the Land Court said to the landlord: "You must not let this holding to a new holder or a neighbouring landowner," and if he suffered any loss in consequence he would be compensated. If the Agricultural Commissioners, after being notified that the holding was vacant, took no action, the landlord could do as he pleased with it, and no such *interregnum* would even occur as that which had been alluded to, because during that time the responsible management of the landlord would continue. It had been said that the effect of this proposal would be to destroy responsible management, but his view was that it would increase the landlord's responsibility.

SIR SAMUEL SCOTT (Marylebone, W.) said the contention of the Solicitor-General was that this clause was drafted with a view to meeting only normal and not abnormal cases such as had been propounded by the right hon. Gentleman the Member for South Dublin and others. Did the hon. and learned Member mean that there was not and could not be any provision inserted in the Bill to meet such cases as those which had been raised? Did he suggest that such cases would not arise? Surely it was only right that some provision should be made to meet these cases. To his surprise the Solicitor-General said that the landlord would be in exactly the same position under this Bill as now. After that statement the hon. and learned Member preceeded to say that the landlord had got to let the Agricultural Commissioners know in writing that the particular holding was vacant, and then if the Commissioners paid no attention to that intimation he would be allowed to do what he liked. Did the right hon. Gentleman really think that any landlord would put a plough and a pair of horses on a small holding with the Agricultural Commissioners standing over him, so to speak, ready to come down upon him at any moment and take away that holding? Did the hon. and learned Member mean to say that that was exactly the same position as the landlord was in now? That was absurd. All these proceedings took time, and no landlord would even dream of spending money in cultivating and placing labour on that small holding under such conditions. He hoped that even now the Secretary for Scotland, if he did not desire his Bill to be an absolute failure, would see his way to accept the Amendment.

Question put.

The House divided:—Ayes, 199; Noes, 64. (Division List No. 383.)

AYES.

Abraham, William (Rhondda)
Adkins, W. Ryland D.
Ainsworth, John Stirling
Alden, Percy
Astbury, John Meir
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barry, Redmond J. (Tyrone, N.)
Beale, W. P.
Beck, A. Cecil
Bell, Richard
Benn, W (T'w'r Hamlets S. Geo.)
Bertram, Julius
Bethell, Sir J H (Essex, Romford
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brunner J. F. L. (Lancs., Leigh)
Burns, Rt. Hon. John
Burt, Rt. Hon. Thomas
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clough, William
Clynes, J. R.
Collins, Sir Wm. J. (S. Pancras, W.
Cooper, G. J.
Corbett, C H (Sussex, E. Grinst'd
Cornwall, Sir Edwin A.
Cory, Clifford John
Cox, Harold
Cremer, Sir William Randal
Crooks, William
Curran, Peter Francis
Dalziel, James Henry
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dickinson, W. H. (St. Pancras, N.)
Duncan, C. (Barrow-in-Furness)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Foster, Rt. Hon. Sir Walter
Fuller, John Michael F.
Furness, Sir Christopher
Gill, A. H.
Gladstone, Rt. Hn. Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Greenwood, G. (Peterborough)
Gulland, John W.
Gurdon, Rt Hn Sir W. Brampton
Hardy, George A. (Suffolk)
Harmsworth, R. L. (Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey, W E (Derbyshire, N.E.)
Haslam, Lewis (Monmouth)
Haworth, Arthur A.
Hazel, Dr. A. E.
Helme, Norval Watson
Henderson, Arthur (Durham)
Higham, John Sharp
Hobart, Sir Robert
Holland, Sir William Henry
Hope, John Deans (Fife, West)
Horniman, Emslie John
Illingworth, Percy H.
Jacoby, Sir James Alfred
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. Nuneaton)
Jones, Sir D. Brynmor (Swansea)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire)
Jowett, F. W.
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamont, Norman
Lardner, James Carrige Rushe
Lea, Hugh Cecil (St. Pancras, E.
Leese, Sir Joseph F. (Accrington)
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B' hs)
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah (Down, S.)
MacVeigh, Charles (Donegal, E.)
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mansfield, H. Rendall (Lincoln)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Mooney, J. J.
Morrell, Philip
Morton, Alpheus Cleophas
Murphy, John (Kerry, East)
Murray, James
Myer, Horatio
Nicholson, Charles N. (Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Kendal (Tipperary Mid
O'Connor, John (Kildare, N.)
O'Donnell, C. J. (Walworth)
O'Grady, J.
Pearce, William (Limehouse)
Pickersgill, Edward Hare
Pirie, Duncan V.
Price, C. E. (Edinb'gh, Central)
Priestley, W. E. B. (Bradford, E.)

Pullar, Sir Robert
Radford, G. H.
Rainy, A. Rolland
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro')
Rees, J. D.
Richards, T. F. (Wolverh'mpt'n)
Richardson, A.
Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Roe, Sir Thomas
Rogers, F. E. Newman
Russell, T. W.
Scott, A. H. (Ash'n-under-Lyne
Sears, J. E.
Seely, Colonel
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick B.)
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanley, Hn. A. Lyulph (Chesh.)
Stewart, Halley (Greenock)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Sutherland, J. E.
Taylor, Theodore C. (Radcliffe)
Thomas, Sir A. (Glamorgan, E.)
Thorne, William
Tillett, Louis John
Tomkinson, James
Torrance, Sir A. M.
Trevelyan, Charles Philips
Ure, Alexander
Vivian, Henry
Walker, H. De R. (Leicester)
Walton, Sir John L. (Leeds, S.)
Wardle, George J.
Waring, Walter
Wason, John Cathcart (Orkney)
Waterlow, D. S.
Watt, Henry A.
Weir, James Galloway
White, George (Norfolk)
White, J. D. (Dumbartonshire)
White, Luke (York, E.R.)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax)
Williams, Llewelyn (C'rmarth'n
Wilson, Hon. C. H. W. (Hull, W.
Wilson, John (Durham, Mid.)
Wilson, J. W. (Worcestersh. N.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Wood, T. M'Kinnon

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood, Rt. Hn. Sir Alex F.
Balcarres, Lord
Balfour, Rt. Hn. A. J. (City Lond.)
Banbury, Sir Frederick George
Barrie, H. T. (Londonderry, N.)
Beach, Hn. Michael Hugh Hicks
Beckett, Hon. Gervase
Brotherton, Edward Allen
Bull, Sir William James
Butcher, Samuel Henry
Campbell, Rt. Hon. J. H. M.
Castlereagh, Viscount
Cavendish, Rt. Hon. Victor C. W.
Cecil, Lord R. (Marylebone, E.)
Cochrane, Hon. Thos. H. A. E.
Collings, Rt. Hn. J. (Birmingh'm
Corbett, T. L. (Down, North)
Craik, Sir Henry
Dalrymple, Viscount
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Faber, George Denison (York)
Ferguson, R. C. Munro
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Harrison-Broadley, H. B.
Hill, Sir Clement (Shrewsbury)
Kimber, Sir Henry
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Law, Andrew Bonar (Dulwich)
Long, Rt. Hn. Walter (Dublin, S.
Lonsdale, John Brownlee
Lowe, Sir Francis William
Lyttelton, Rt. Hon. Alfred
Mason, James F. (Windsor)
Moore, William
Morpeth, Viscount
Nield, Herbert
Parker, Sir Gilbert (Gravesend)
Pease, Herbert Pike (Darlingt'n
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson, John Frederick Peel
Remnant, James Farquharson
Renton, Major Leslie
Roberts, S. (Sheffield, Ecclesall)
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Sheffield, Sir Berkeley George D.
Sloan, Thomas Henry
Stanley, Hon. Arthur (Ormskirk)
Staveley-Hill, Henry (Staff'sh.)
Talbot, Lord E. (Chichester)
Thomson, W. Mitchell-(Lanark)
Tuke, Sir John Batty
Valentia, Viscount
Walker, Col. W. H. (Lancashire)
Wilson, A. Stanley (York, E.R.)
Younger, George

TELLERS FOR THE NOES—Mr. Starkey and Mr. Abel Smith.

Amendment proposed to the Bill—

"In page 13, line 35, after the word 'fact,' to insert the words 'in writing.'"—(*Mr. Sinclair.*)

Question "That those words be there inserted"—put, and agreed to.

Amendment proposed to the Bill—

"In page 13, line 39, after the word 'Commissioners,' to insert the words 'to such amount as may be agreed for, as in case of dispute may be determined by the Land Court.'"—(*Mr. Sinclair.*)

Question proposed, "That those words be there inserted."

SIR HENRY CRAIK (Glasgow and Aberdeen Univertities) moved as an Amendment to the Amendment, to leave out the words "the Land Court," and insert the words "an arbiter appointed under the provisions of The Agricultural Holdings Act, 1906." He said his Amendment opened up a very important question which they had tried to raise more than once, but had always been prevented by the operation of the guillotine. The two bodies who were to carry out the provisions of the Bill were the Agricultural Commissioners and the Land Court. He himself would have supposed that the Commissioners were to exercise executive functions, to be a department of the Government sitting in an office in Edinburgh and putting the whole machinery of the measure into operation, going down and visiting the various localities, establishing small holdings, arranging for their equipment, and supervising the operations generally. One would have supposed that the Land Court would have been purely judicial, with no executive functions whatever—a Court merely to hear appeals brought before them by the small holder, the landlord, or the Agricultural Commissioners themselves. He wished to point out that that was very far from being the case. In the provisions of the Bill the functions of the Agricultural Commissioners and those of the Land Court were almost inextricably mixed up From Sub-sections (6) and (8) of Clause 7 it appeared that the Agricultural Commissioners were to act in many ways as judges, and that they were also to undertake the main part of the executive functions. Under Sub-section (10) of the same clause the Land Court had a number of executive functions in their own hand. If hon. Members compared line 33, on page 7, with line 13, on page 10, they would see that the judicial and executive functions were inextricably mixed up. When the functions were mixed up in this confused way, why could not the Government leave the matters which were dealt with in the Amendment proposed by the right hon. Gentleman to the decision of some outside authority? Why not allow the disputes to be decided by the system of arbitration provided for by the Agricultural Holdings Act of last year? Section 30 of the Crofters Act of 1886 contemplated arbitration. It was a curious fact that that clause was included for repeal in the schedule of this Bill when it was first introduced, but that the right hon. Gentleman had since cut it out of the schedule. That clause would remain part of the Crofters Act of 1886 which under this Bill was to be applied to the whole of Scotland. The Agricultural Commissioners and the Land Court were essentially parties to the whole of the administration of this Bill, and it was perfectly obvious that they must constantly be acting together. On the broad principle of judicial fairness and impartiality they should not be the final arbitrators in their own case. If they were not in sympathy they would not work together. Why should not the parties to a dispute be allowed to go to arbitration, which had been largely resorted to, and had been repeatedly recognised by the legislature, instead of leaving the Land Court to be the judges in their own cause. This was a matter of common justice involving the whole principle of fair dealing between man and man. The Government were now introducing a very difficult, unsound, and unwholesome principle. They were denying the landlord who might be affected by this Bill access to the ordinary Courts of Justice with a right of appeal. Why, then, should they not have a really impartial judge appointed in the way contemplated by their own Bill of last session? He begged to move.

MR. YOUNGER (Ayr Burghs) seconded the Amendment. The Secretary for Scotland had never given any sound ground for adopting the principle embodied in the clause.

Amendment proposed to the proposed Amendment—

"To leave out the words 'the Land Court,' and insert the words 'an arbiter appointed under the provisions of The Agricultural Holdings Act, 1906."—(*Sir Henry Craik.*)

Question proposed, "That the words 'the Land Court' stand part of the proposed Amendment."

Mr. URE said that none of the provisions of the Agricultural Holdings Act of 1906 applied to the Crofters Act of which this Bill was an extension. The hon. Gentleman must see how very inconvenient it would be to introduce two separate tribunals for the purpose of settling disputes under any one code. They had eliminated the sheriff from the Crofters Act, and in this Bill they confined the settlement of all cases of dispute to the Land Court which worked under this particular code. Hon. Members opposite had frequently complained that the Bill provided for two separate bodies—the Agricultural Commissioners and the Land Court. Would it be any better to introduce a third by appointing an arbiter under the Agricultural Holdings Act of 1906? If a small holder and a landlord had any difference of opinion to be decided by an arbiter, they might have it done under the present Bill. Under Section 30 of the Crofters Act of 1886 it was provided that if a landlord and a small holder had any difference between them, it might be decided by an arbiter, and his decision was recorded in the book of the Land Court or Crofters Commission, and it became in effect the judgment of that Court. That clause was never put in force because the landlords and the crofters had such complete confidence in the Crofters Commission that they never resorted to an arbiter. That clause in the Crofters Act was incorporated in this Bill. It was true that that clause was repealed in the schedule in last year's Bill, but in this year's Bill the repealing enactment was left out. It had been said that it was not easy to separate the functions of the Land Court and the Agricultural Commissioners. He took it that the functions of the Agricultural Commissioners were administrative and those of the Land Court executive, and in that respect it did not differ from the Sheriff Court, which was not only a legal tribunal, but possessed executive functions. Accordingly the Land Court would not only discharge judicial functions in deciding disputes that might arise between the landlord and the small holder, but it would also have executive functions. It appeared, therefore, to the Government that when there was a tribunal expressly provided for the purpose of deciding just such questions as would arise under Clause 16, it would introduce confusion to import a new tribunal altogether in the shape of an arbiter under the Agricultural Holdings Act of 1906. He objected to the statement of the hon. Member for Glasgow and Aberdeen Universities that the Land Court were Judges in their own cause. The members of the Land Court had no cause any more than an ordinary Judge. Surely the hon. Member must see that when a question came before the Land Court as to the amount of compensation that was to be given to the landlord that must be decided in a wholly impartial manner. If the Land Court by a judicial judgment gave effect to the recommendation of the Agricultural Commissioners, was it really fair to say that they were men judging their own cause?

MR. WALTER LONG said they all agreed that the statement of the hon. and learned Gentleman was correct when he said that to adopt the Amendment to incorporate in this Bill an arbiter appointed under the provisions of the Agricultural Holdings Act of 1906 would be to introduce a third body which was not recognised in this Bill. But he could not follow the hon. and learned Gentleman in his view that the introduction of a third body was unnecessary and undesirable. The hon. and learned Gentleman did not attach sufficient importance to the position in which the Land Court was placed in conjunction with the Agricultural Commissioners. The functions of the Land Court and the Agricultural Commissioners ran together in the most remarkable manner. They must work very largely in unison and in communication one with the other. What was the position? There was the owner of the property who was interested in the land, and there was the tenant who took the holding, and who also had an interest in the land; but where there was a separation of their joint interest there should be an independent individual, with no knowledge of the case except what was stated to him by both sides, who should be charged with the duty of assessing the amount due to the landlord. But the Land Court would be a party to the transaction, and the remarks of the hon. and learned Gentleman threw a very interesting light on what they had been discussing a few minutes ago. The Solicitor-General for Scotland's explanation of this part of the clause was that throughout this part of the transaction the Land Court and the Agricultural Commissioners acted together and the landlord would have to look to them in order to take steps to ascertain the amount of compensation he was to receive. His contention was that the decision should be left in the hands of a person who had no connection with the holding except that he was called in to give a judicial decision. Could it be said that the Land Court was in this position? At one moment the matter seemed to rest with the Agricultural Commissioners and at another with the Land Court, and he was quite unable to understand what was the separation of the functions of these two bodies throughout the Bill. These two bodies would take the place and occupy the position of the landlord. What would be the view of hon. Members opposite if it were said that on the determination of a tenancy the landlord should say what was to happen? It was admitted that the landlord was under this Bill to be deprived of the functions of which he had hitherto been possessed and that they were to be transferred, not to the tenant, but to the Land Court and the Commissioners, which two bodies crossed each other's path continually, and it was to one of those two bodies that the House was referring the amount of compensation to be paid. It seemed to him to be inequitable in the highest degree and a denial of those principles of justice under which an arbitration had hitherto been granted, that in the case of a dispute arising in which their interests were concerned these bodies were to be the judges. He urged that it would be in accordance with the principles of justice to leave this question to arbitration, because it was impossible in the circumstances that these bodies should be impartial. On these grounds he respectfully pressed upon the Government that some change should be made in the Bill which would recognise those principles of justice between man and man which had hitherto obtained in questions of this kind.

MR. MUNRO FERGUSON said that under the Bill there was transferred to a new official hirer of land a large amount of money in the shape of capital. First of all as hirer there were the Commissioners, and then they came to the Land Court, which appeared to be constituted practically for the purpose of regulating the capital which came under its purview for the improvement of the state of things in regard to small holdings. What were its functions? The Solicitor-General for Scotland had raised a question as to whether it was worth while creating another authority, and for himself he thought it was not, because there were far too many authorities under the Bill. Last year with great ingenuity they were enabled to make Scotland fit in with the Land Tenure Bill, which was prepared in the West of England, and by those efforts, for which he was grateful to the Solicitor-General, they were enabled without doing any particular harm to Scotland to obtain an arbitration authority which was perfectly satisfactory and above suspicion. Having obtained that authority why was it given the go-by now? He wanted to know what this Court was going to do and who were the people who were going to do the work. They could enter upon thoroughly equipped land upon which the equipment might be worth more than the whole holding. It was a most extraordinary Court. They had power to take a holding and divide it up, and having taken the place of the owner they had power to fix the letting value and select the tenants who were to make use of another man's property. They had perfect freedom to select any one man for the use of another man's capital. They fixed the rent and then fixed on the tenant who should get a loan. They then got loans for which the Treasury provided and of course their first duty was to see that the Treasury suffered no loss. It seemed to be thought that these *quasi*-judicial authorities would be more judicial than a Judge, but even *quasi*-judicial authorities were only human, and this body, which was to be the managing director in a forced copartnership of three, was to divide up the values of the interests. Ultimately these *quasi*-judicial authorities were to be Judges in their own cause. He knew that the State would lose a good deal of money by these transactions, and as a land owner he thought he saw his way to make a little money at the expense of the State by the creation of these small holdings with the assistance of the State. But they had in that House to consider the interests of the State, and he objected to the manner in which money was to be provided for this scheme. He was moreover concerned to point out that this was not a judicial authority and that no one who had to come under the Land Court could accept its decisions as being without bias. He had no doubt the Prime Minister would call this, as he did the extension of the Crofters Act, quite a small matter over which they had wasted a large amount of time. Without going into the injustice of the measure, which was a great matter, why, having under another Act set up a semi-judicial tribunal which was to cost £30,000 a year, they should seek to alter it in regard to this Bill passed his comprehension.

Mr. A. DEWAR (Edinburgh, S.) said the question as to whether the Land Court should be the Judge in questions arising between the landowner and the landholder had been made the point of a general attack upon the Bill by the hon. Member for Leith. The impression made upon his mind by the speech of the hon. Member was that this tribunal was corrupt or incompetent. Those were the two great faults of which complaint was made in a Judge. But he would point out that this tribunal was not yet appointed. He had noticed that the right hon. Member for South Dublin had studiously safeguarded himself in the matter. What he said was that they were too much mixed up with the matter from the beginning to have an unprejudiced mind. That was opposition which he could understand. But, after all, when the matter was looked at reasonably, these Commissioners and the Land Court must be drawn from men of standing and they must be trusted. That was the theory of the Bill. Surely they could be trusted in these matters. If an arbiter were to be called in at the last moment it would only cause additional complexity. There was no provision in the Bill for an arbiter, and who would pay him if he were called in? Whoever called him in would have to pay. Under the Bill there would be these functionaries who would be paid by the State, and this would be part of their duty. He did not think that any one of the functions that had been put upon them would necessarily prejudice them to such an extent as to make them incapable of acting fairly. What they required in justice was speed and cheapness. These Land Commissioners were familiar with every detail and could do the thing at once, but to call in an arbiter would only mean complexity, delay, and expense. He hoped the House would not accept the Amendment.

Mr. A. J. BALFOUR (City of London) thought the hon. Gentleman had entirely mistaken the point at issue. He himself was one of those who thought that to take property out of the open market and place it in the hands of a tribunal to be dealt with was a proceeding full of risk and one which ought to be avoided. To place the whole of the land of Scotland in the hands of such a tribunal for the purpose of being dealt with was a dangerous operation which ought not to be approved by this House without good reason. But if the Government were going to embark on that perilous undertaking let them at least see that the tribunal upon which they were going to confer these powers was a judicial tribunal and not an administrative department. That was plain common sense, but it was not the policy of the Government. In the Bill of last year the Land Court had no existence, but having brought it into this Bill it would have been wise on the part of the Government to have seen that the functions given to it were judicial only, and that the gentlemen forming it were given no such responsibilities as would bias their judgment or cause them to depart from the strict path of impartiality. When they said that this Bill had created such bias they must not be taken to say that the gentlemen to be appointed would be either incompetent or corrupt. There was one point that had not been asked and which ought to be asked Why had not the Government, having created a Land Court, given to that body none but judicial duties? That was the course which would have been adopted by statesmen, but the Government had done nothing of the sort. In fact he had never seen such English as that which appeared in this Bill. [An Hon. Member: It is Scottish.] His hon. friend had no right to insult the country to which he belonged. He absolutely denied that it was Scottish, and it hardly deserved to be called English. He would read the particular clause they were discussing—

"Where by reason of renunciation, removal, failure of a statutory successor, or otherwise, a holding has at any time ceased or is about to cease to be held by a landholder, the landlord shall forthwith intimate the fact to the Agricultural Commissioners, and shall not, if the Land Court on their application after hearing the landlord so determine, and during such period and subject to such conditions (which shall include payment of compensation to the landlord by the Agricultural Commissioners in respect of any loss arising out of such determination) as the Land Court may prescribe, be entitled without the consent of the Agricultural Commissioners to let the holding otherwise than to a neighbouring landholder for the enlargement of his holding, or to a new holder."

The masters of style in his country would be heartily ashamed of perpetuating such a sentence as that. When they had gone through all this farrago and tried to find out what it meant, was it not clear that it made the Land Court the Judge in its own cause? In the first place it was made the instrument of a costly and philanthropic endeavour to change the land system of Scotland. These gentlemen had cast upon them the responsibility of carrying out as cheaply as might be a philanthropic system of land occupation in Scotland. Who would allow a philanthropist filled with enthusiasm for mankind to fix the value of property which he took for the purpose of carrying out his ideas? Who had ever suggested it? Perhaps the right hon. Gentleman would tell him whether the following propositions were incorrect. The Land Commission were to be entrusted by the Government with the carrying out of a philanthropic social reform as cheaply as they could. In the process of doing that they were themselves to value the property which they took. He submitted that that was putting them in a judicial position which they would never allow to a philanthropist, however pure and elevated his motives. They would not allow a philanthropist to carry out his admirable and excellent projects by taking at his own valuation another's property which stood in the way of the attainment of his objects. But that was exactly the position which the Government was taking up under this Bill. It was a wholly unnecessary position. They might have said that they did not want to bring into existence this judicial body; but having erected it, they made it judicial, and then threw on it functions outside its judicial capacity. That could not be good legislation. They had brought into existence two sets of individuals, the Land Court and the Agricultural Commissioners. They might have given everything that was administrative to the Agricultural Commissioners, and everything that was judicial to the Land Court. If that had been done in the Bill, it would have removed to a certain extent his objections, and enabled the measure to be carried out by the Government in a statesmanlike manner. The right hon. Gentleman was wrong in saying that they had attempted to do that, for if they looked through this clause to find its meaning in the mist of all these parentheses and sub-clauses, they would find in the section they were discussing that the administrative and judicial functions were mixed up as between the Land Court and the Agricultural Commissioners. For reasons into which he need not enter, the Government had taken care that certain clauses should not be discussed, and on this clause, which they were enabled to discuss by the fortune of circumstances, a point had been raised which, however, was not more apparent in this than in previous clauses that had been excluded from debate. They had endeavoured to explain the point, but no answer to it had been vouchsafed from the Treasury Bench; no answer had been given by the Solicitor-General who had immediately preceded him. He gathered from the Secretary for Scotland that he thought he had not given a fair account of the Bill; certainly the Solicitor-General had not shown that it was not fair, and he waited for the Secretary for Scotland to show that he had in any way exaggerated what it must be admitted was essentially a vice in the Bill.

MR. SINCLAIR said the observations of the right hon. Gentleman had gone somewhat wide of the Amendment under discussion. He was delighted to learn from the hon. Member for Leith Burghs, so far as the creation of new holdings were concerned, that the landlords were not to lose money. He was delighted to have that admission from him. There was no more powerful critic of the Bill than the hon. Gentleman, and it was comforting to think that the compensation so liberally provided for in this and other clauses of the Bill would not be called upon to the extent anticipated by some critics of the measure. The right hon. Gentleman had alluded to the lack of opportunity to discuss the subject raised by the Amendment. As it happened, the division of the Bill into three days had been so carried out as to bring into prominence the two clauses which dealt with the subject—Clause 7, which dealt with the whole of the arrangements for the creation of new holdings, and Clause 16, which was now under discussion, and in which the relations between the Agricultural Commissioners and the Land Court came under review. Under this clause, if existing holdings passed from the present control of the landlord to the future control of the landholder, the Land Court would have no say as to what holdings should pass to the new tenants. The Land Court would have the duty of fixing the rent, it was true; but this duty had already been carried out in other countries and in Scotland itself with complete satisfaction by a tribunal such as the Land Court proposed under the Bill. His hon. friend had made it perfectly clear that the functions of the Land Court were judicial and not administrative. Let them take Clause 7 under which the creation of small holdings was carried out. The Land Court were brought in under that clause in connection with disputes between the landlord and the Agricultural Commissioners. Was not their function judicial where they decided disputes between two parties as to the transactions to be carried out by them? He failed entirely to see how the Land Court could be regarded otherwise than judicial in that direction. They had no administrative duties; they had no funds at their disposal; they had no interest in the matter; they had no rent to receive from the holdings; they were simply in the position of a judicial authority to settle any matters of dispute between the landlords and the Agricultural Commissioners. There would be hundreds of new holdings created of which the Land Court would have no cognisance whatever. Everything tended to show that the Land Court was likely to be the most experienced and authoritative body of the kind in Scotland. In the first place, they would have an experience which was unrivalled in such matters. The Government would be responsible for their selection. They were responsible for the selection of the Crofters Commission, and on the part of the landlords and on the part of the tenants it was true to say that other arbiters in Scotland had nothing like the confidence and authority possessed by the Crofters Commission in relation to their duties. It was possible, he submitted, that what had been done before could be done again. Men would be selected for this purpose who would be properly qualified, and who would possess an experience rarely open to other people. It was possible to take another view, he submitted, but he held that experience tended to show that the Land Court would deal justly as between the interests committed to their charge, and it was really not open to the objection which had been urged that it was not a judicial authority. His hon. friend had pointed out that the judicial authority of the Land Court was necessarily executive, because it had to formulate orders which it must see carried out. That was true of not only the Land Court under this Bill, but of every Court; therefore, the judicial authority in that sense was always an executive authority. So far as administrative duties were concerned they belonged to the Agricultural Commissioners, who would be allowed a discretion in expending this money. Another point was as to registration. The registration of the holding was made under the authority of the Land Court, who were bound to see the provisions of the Act in that respect complied with. It was on their authority that entries would be made in the book, and they were the judges whether holdings were or were not entitled to come within the Act. In that respect and in all other respects the Land Court had a purely judicial and executive authority; they had nothing whatever to do with administration. The Government could not depart from the attitude which they had taken throughout this Bill, that in the place of the arbitrator under the Agricultural Holdings Act they had put the Land Court which exercised his functions.

Mr. LAMBTON said his right hon. friend and the hon. Member for Leith Burghs had pointed out that the compensation to be assessed by the Land Court was compensation on the determination of the tenancy. They would have to decide what compensation was to be paid, and that compensation was to be paid on their own decision, so that, under the words of the clause, the Land Court had to decide to do a certain thing, and then they said, arising out of their own decision, what compensation was to be paid. He agreed with the Leader of the Opposition that it was a most extraordinary clause. He maintained that the compensation would be compensation arising out of their own decision. There was no other way of reading the clause. He would ask the Lord Advocate whether it was purely a judicial function that the Land Court should assess the compensation arising out of their own decisions?

*MR. MOLTENO (Dumfriesshire) said the constitution of this Court followed the rule of all other Courts, which was that where the State had any controversy with an individual to be decided an independent person should determine the matter. They never allowed the State to proceed with all its force against an individual, and such points were always settled by an independent judge. That was exactly what was proposed in this case. The Agricultural Commissioners were the body who prepared and were responsible for the scheme. They came into collision with the landlord and the Land Court was then called in to decide between the Commissioners who wanted this thing done and the landlord who did not want it done. He saw nothing in any of these clauses which derogated from the position that the person deciding between the parties was perfectly independent.

*SIR HENRY CRAIK said the speech of the Secretary for Scotland astounded him on account of the ignorance he had just shown of his own Bill. He would pass over his extraordinary statement that there was no real distinction between the executive and the judiciary. That statement was calculated to make them reconsider the elementary principles of constitutional law. The right hon. Gentleman had told them that the whole of this administration was in the hands of the Commissioners, that the Land Court were not concerned, and that they would never be moved by anything but judicial motives. Had the right hon. Gentleman forgotten what was contained in Sub-section 10 of Clause 7, which provided that—

> "(10) The Land Court shall thereafter determine, with due regard to the provisions of the Landholders Acts, and by order or orders declare:—(*a*) In respect of what land, if any, specified in the scheme, holdings for new holders may respectively be constituted, and up to what date the power to constitute them otherwise than by agreement may be exercised; (*b*) what is the fair rent for each new holding; (*c*) what land, if any, specified in the scheme is to be excluded therefrom, and (*d*) whatever else may be necessary for the purposes of adjusting the rights of all parties interested in or affected by the proceedings."

After those points had been determined, then, and then only, the administration of the Act began and the Agricultural Commissioners came in and exercised their powers. If as a consequence of their action a dispute arose and a question of compensation had to be settled, could the right hon. Gentleman stand up and tell them that the Land Court would come in at that stage for the first time, and without any previously formed bias? Before the Agricultural Commissioners could lift a finger the Land Court must decide what land might be used and what holdings might be created. That was as plain as words could make it, and it was enough to prove that the Law Courts were parties to the previous proceedings, of the results of which they were to be the final judges.

*MR. BEALE (Ayrshire, S.) said there was nothing unusual in allowing a Court to assess the damages which a person suffered in consequence of its own order. In all interrogatory relief by way of injunction relief was given upon the terms that the man who sought the relief should pay damages, and they were always assessed by the Court that made the order. If it was not an easy matter they sent it up to a referee, and that was a course which would be entirely open to the Land Court under this Bill. He did not see that there was any danger at all in leaving this in the hands of the Court which made the order.

SIR F. BANBURY said the case put forward by the hon. and learned Member who had just spoken seemed to him to be quite beside the issue. This clause clearly meant that the Agricultural Commissioners must apply to the Land Court, and the contention that the Land Court only came in when the landlord had a dispute with somebody else did not arise. The Agricultural Commissioners must apply to the Land Court who might make a determination. If on that determination a loss arose then the Land Court assessed the damages. That was quite a different thing from the point of the hon. and learned Gentleman, because the loss arose through the decision of the Land Court. The thing was absolutely absurd when put into plain language.

Question put.

The House divided :—Ayes, 236; Noes, 72. (Division List No. 389.)

AYES.

Abraham, William (Cork, N. E.)
Abraham, William (Rhondda)
Adkins, W. Ryland D.
Ainsworth, John Stirling
Alden, Percy
Allen, A. Acland (Christchurch)
Asquith, Rt. Hon. Herbert Henry
Astbury, John Meir
Baker, Joseph A. (Finsbury, E.)
Balfour Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barnes, G. N.
Barran, Rowland Hirst
Barry Redmond J (Tyrone, N.)
Beale, W. P.
Beauchamp, E.
Beaumont, Hon. Hubert
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn, Sir J. Williams (Devonp'rt
Benn, W. (T'w'r Hamlets, S. Geo.
Berridge, T. H. D.
Bethell, Sir J. H. (Essex, Romf'rd
Birrell, Rt. Hon. Augustine
Bottomley, Horatio
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brunner, J. F. L. (Lancs., Leigh)
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Burt, Rt. Hon. Thomas
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clough, William
Clynes, J. R.
Collins, Sir Wm. J. (S. Pancras, W
Cooper, G. J.
Corbett, C H (Sussex, E. Grinst'd)
Cornwall, Sir Edwin A.
Cory, Clifford John
Cowan, W. H.
Cremer, Sir William Randal
Crooks, William
Crosfield, A. H.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dewar, Sir J. A. (Inverness-sh.)
Dickinson, W. H. (St. Pancras, N.
Duckworth, James
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Findlay, Alexander
Foster, Rt. Hon. Sir Walter
Freeman-Thomas, Freeman
Fuller, John Michael F.
Gibb, James (Harrow)
Gill, A. H.
Gladstone, Rt. Hn. Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Gulland, John W.
Gurdon, Rt Hn. Sir W. Brampton
Hardy, George A. (Suffolk)
Harmsworth, R. L. (Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey, W. E. (Derbyshire, N. E.
Haslam, Lewis (Monmouth)
Haworth, Arthur A.
Hazel, Dr. A. E.
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hodge, John
Holland, Sir William Henry
Hope, John Deans (Fife, West)
Horniman, Emslie John
Hudson, Walter
Idris, T. H. W.
Illingworth, Percy H.
Jacoby, Sir James Alfred
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones, Sir D. Brynmor (Swansea)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamb, Edmund G. (Leominster)
Lamont, Norman
Lardner, James Carrige Rushe
Lea, Hugh Cecil (St. Pancras, E.)
Leese, Sir Joseph F. (Accrington)
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs)
Maclean, Donald
Macnamara, Dr. Thomas J.
Macpherson, J. T.
MacVeagh, Jeremiah (Down, S.)
MacVeigh, Charles (Donegal, E.)
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Mooney, J. J.
Morrell, Philip
Morton, Alpheus Cleophas
Murphy, John (Kerry, East)
Murray, James
Myer, Horatio
Newnes, F. (Notts, Bassetlaw)
Nicholson, Charles N. (Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Donnell, C. J. (Walworth)
Pearce, William (Limehouse)
Philipps, Owen C. (Pembroke)
Pickersgill, Edward Hare
Pirie, Duncan V.
Price, C. E. (Edinb'gh, Central)
Priestley, W. E. B. (Bradford, E.)
Radford, G. H.
Rainy, A. Rolland

Raphael, Herbert H.
Rea, Russell (Gloucester)
Richards, T. F. (Wolverh'mpt'n)
Richardson, A.
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Rose, Sir Thomas
Rogers, F. E. Newman
Rose, Charles Day
Rowlands, J.
Russell, T. W.
Scott, A. H. (Ashton under Lyne
Sears, J. E.
Seddon, J.
Seely, Colonel
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick B.)
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Sinclair, Rt. Hon. John
Snowden, P.
Stanley, Hn. A. Lyulph (Chesh.)
Stewart, Halley (Greenock)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Sutherland, J. E.
Taylor, Theodore C. (Radcliffe)
Thomas, Abel (Carmarthen, E.)
Thomas, Sir A. (Glamorgan, E.)
Thorne, William
Tillett, Louis John
Torrance, Sir A. M.
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walton, Joseph (Barnsley)
Wardle, George J.
Waring, Walter
Wason, John Cathcart (Orkney)
Waterlow, D. S.
Watt, Henry A.
Wedgwood, Josiah C.
Weir, James Galloway
White, George (Norfolk)
White, J. D. (Dumbartonshire)
White, Luke (York, E. R.)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax)
Whittaker, Sir Thomas Palmer
Williams, Llewelyn (Carmarth'n
Wilson, Hon. C. H. W. (Hull, W.)
Wilson, John (Durham, Mid)
Wilson, J. H. (Middlesbrough)
Wilson, J. W. (Worcestersh. N.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Wood, T. M'Kinnon
Yoxall, James Henry

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Anstruther-Gray, Major
Balcarres, Lord
Balfour, Rt Hn. A. J. (City Lond.)
Banbury, Sir Frederick George
Barrie, H. T. (Londonderry, N.)
Beach, Hn. Michael Hugh Hicks
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Brotherton, Edward Allen
Butcher, Samuel Henry
Campbell, Rt. Hon. J. H. M.
Castlereagh, Viscount
Cave, George
Cavendish, Rt. Hon. Victor C. W.
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone, E.)
Chamberlain, Rt Hn. J. A. (Worc.
Cochrane, Hon. Thos. H. A. E.
Collings, Rt. Hn. J. (Birmingh'm
Corbett, A. Cameron (Glasgow)
Corbett, T. L. (Down, North)
Craik, Sir Henry
Dalrymple, Viscount
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Faber, George Denison (York)
Fell, Arthur
Ferguson, R. C. Munro
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Harrison-Broadley, H. B.
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hills, J. W.
Hornby, Sir William Henry
Hunt, Rowland
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Long, Rt. Hn. Walter (Dublin, S)
Lonsdale, John Brownlee
Lyttelton, Rt. Hon. Alfred
Mason, James F. (Windsor)
Meysey-Thompson, E. C.
Moore, William
Morpeth, Viscount
Muntz, Sir Philip A.
Nield, Herbert
Pease, Herbert Pike (Darlington
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson, John Frederick Peel
Roberts, S. (Sheffield, Ecclesall)
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Sheffield, Sir Berkeley George D.
Sloan, Thomas Henry
Smith, Abel H. (Hertford, East)
Stanley, Hon. Arthur (Ormskirk
Starkey, John R.
Staveley-Hill, Henry (Staff'sh.
Talbot, Lord E. (Chichester)
Tennant, Sir Edward (Salisbury)
Thomson, W. Mitchell- (Lanark)
Tuke, Sir John Batty
Walker, Col. W. H. (Lancashire)
Wyndham, Rt. Hon. George
Younger, George

TELLERS FOR THE NOES—Sir Alexander Acland-Hood and Viscount Valentia

Proposed words there inserted in the Bill.

MR. MUNRO FERGUSON moved an Amendment substituting for the second paragraph of Clause 16, which deals with the payment of compensation by the Agricultural Commissioners to a landlord for damage or injury under certain specified heads caused by the constitution or enlargement of a holding otherwise than by agreement, a provision that "compensation shall be payable to any landlord or occupier for any loss such landlord or occupier may prove to be due to the action of the Land Court or of the Agricultural Commissioners." He said the Amendment would give a very simple form of claim which should be satisfied where the land had been equipped by the owner. If the owner incurred any loss through experimental work under this measure in connection with the creation of small farms, he ought to be compensated. The view held by most hon. Members was that experimental work would be carried on on a considerable scale. The provisions for the compensation to be paid by the Land Court for what it took in the making of new holdings were not such as need alarm any owner, but, on the other hand, at the termination of a tenancy, if an owner had to take over the fixtures of a small farm there would be considerable risk of loss. Whether the loss was large or small, it should be made good by the Land Court. They had no business to conduct public experiments at private expense, as would be the case in the circumstances he had indicated if no compensation was to be paid by the Land Court. He would be the first to support in the general interest experiments which were properly and profitably conducted, but under this scheme there would be inevitable loss. If the Land Court was to be an independent judicial authority, it should be given a free hand in regard to the payment of compensation. If that were done, a great deal of the opposition to the Bill would disappear.

MR. ABEL SMITH, in seconding the Amendment, said the words proposed to be inserted had a great advantage over the words in the Bill in that they would secure compensation not only to the landlord but also to the occupier. If the new authorities set up by the Bill were going to take portions of existing holdings, it was highly probable, he thought inevitable, that serious damage would be done to the present occupiers of farms. In every part of the country there was bad land and good land, and it was not likely that for the purposes of the small holdings the Agricultural Commissioners or the Land Court would want to take the worst land. It was highly probable that they would want the best. It was well know that a great deal of inferior land had been brought into cultivation by farmers who occupied better land adjoining. If the Commissioners came along and fixed their eyes on good land at the bottom of a hill, they might take it and leave the present occupier in possession of the inferior land on the braes, and in that way he would suffer considerable loss.

Amendment proposed to the Bill—

"In page 14, line 3, to leave out from the word 'that' to end of clause 16, and insert the words 'compensation shall be payable to any landlord or occupier for any loss such landlord or occupier may prove to be due to the action of the Land Court or of the Agricultural Commissioners.'"—(*Mr. Munro Ferguson.*)

Question proposed, "That the words 'where under the provision of the landholders Acts, the holding was' stand part of the clause."

MR. URE said the Government could not accept those words because they imposed too vague and general a charge on public money. In the Prime Minister's clause which the hon. Gentleman proposed to amend ample provision was made for full compensation being paid to the landlord for the loss he might suffer on account of his parting with the land for the purpose of small holdings. The House would see that the clause which had been introduced into the Bill in compliance with the Prime Minister's pledge, provided that compensation should be paid under three heads: first, where the value of the land was affected in consequence of the new holding being carved out; secondly, where there had been liabilities imposed upon the landlord in consequence of the new holding having been constituted; and thirdly (by a later Amendment which by the permission of the House he would refer to), where there had been non-payment of rent due to the constitution of the holding. That meant that the Agricultural Commissioners might be liable to pay a full year's rent to the landlord if he lost a full year's rent in consequence of the constitution of the holding. It had been limited to one year's rent, because, until a full year's rent was due, the landlord could not remove the tenant from the holding, but after a year's rent was due he had it in his power to turn the tenant out. If he allowed the tenant to remain for any good reason, the loss of rent was not due to the constitution of the holding, but to an arrangement which he had made without the knowledge of the Agricultural Commissioners, and in consequence, it might be, of the landlord's benevolent action towards his tenant.

MR. MUNRO FERGUSON said that his original Amendment, which was more complicated than that now proposed, had been intended to cover all cases. But he had proposed it as it now stood in case his original Amendment should not be reached. There were other parts which were not covered by the three heads mentioned by the Solicitor-General and he still thought that his proposal was not the simplest. As regarded the creation of a new holding he had admitted freely that the compensation provided in the first instance was sufficient.

Amendment negatived.

MR. YOUNGER moved an Amendment to make the clause applicable where land was acquired by agreement as well as compulsorily. He raised this question in order to see what was the extent and value of the promise made by the Prime Minister. As the Solicitor-General had stated, this clause was extremely restricted in its character, and granted compensation only in cases where the holding had been formed otherwise than by agreement, that was to say, by compulsion. He was sure that it was the desire of the promoters of the Bill that every encouragement should be given to the formation of small holdings by mutual agreement, and that compensation should also be paid when a new holding was constituted or enlarged by agreement. He did not know whether the hon. and learned Gentleman at present in charge of the Bill had any authority to extend the clause, or whether the matter had been considered since he had put his Amendment on the Paper. But it appeared to him that the landlord and the future tenant would be almost compelled to arrange for compulsory terms being imposed upon them, although they were otherwise willing to come to an agreement, for the purpose of allowing the landlord to get compensation in the event of failure. He thought his Amendment would be a great improvement of the clause and would not place any serious barrier against new holdings being formed.

MR. J. F. MASON (Windsor) seconded the Amendment. The clause they were now discussing would, he contended, impose a hardship on the owner, because it took from him the right to deal with the land as he thought fit. In the second part of the clause a distinction was made between holdings formed compulsorily and those formed by agreement; and where the holding was formed by agreement the landlord would lose the benefit of the clause. It would drive landlords to resist the working of the Act, and force on the constitution of small holdings by compulsion, so that the landlords might get the admittedly considerable benefits of the clause. That would be an embargo to the creation of small holdings by agreement.

Amendment proposed to the Bill—

"In page 14, line 4, to leave out the words 'otherwise than,' and insert the words 'either compulsorily or.'"—(*Mr. Younger.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

THE LORD ADVOCATE (Mr. THOMAS SHAW, Hawick Burghs) said he was sorry that the Government did not see their way to accept this Amendment, for the reason that there were provisions in Sub-section (8) of Clause 7 for carving out new holdings, which was a cardinal feature of an arrangement of this kind. The carving out of a new holding was in the first place to be done by agreement between the landowner and the Agricultural Commissioners. He quite agreed that it was advisable not to put any embargo on such an arrangement; but the view of the Government was that by the scheme of the clause no such embargo would be imposed. A reference to Sub-section (8, Clause 7, would show that a scheme was to be prepared which covered the entire transaction, and that that scheme was to be remitted to the landlord and tenant in order to have their assent When that essential condition had been complied with they hoped that the financial arrangements would be completed, and the new holder, when he came into possession, would enjoy certain statutory rights. If the parties could not agree then the compulsory powers came in and the tenant was put on a statutory ground. A landlord might agree to negotiate, but when he saw the scheme he might prefer to be treated compulsorily. It seemed to him that the Government had provided for everything, and that a scheme having been settled upon it must be treated as compulsory.

SIR SAMUEL SCOTT (Marylebone, W.) thought that the speech of the Lord Advocate strengthened their arguments against the proposals of the Government. The Government based all their hopes on the co-operation of the landlords, and now the right hon. Gentleman came down and put a premium upon the landlords breaking the agreement. He hoped that in order to obtain the co-operation of the landlords the Government would accept the Amendment.

Question put.

The House divided: — Ayes, 231; Noes, 66. (Division List No. 390.)

AYES.

Abraham, William(Rhondda)
Adkins, W. Ryland D.
Ainsworth, John Stirling
Allen,A.Acland(Christchurch)
Asquith,Rt.Hn.HerbertHenry
Astbury, John Meir
Baker,JosephA.(Finsbury,E.)
Balfour, Robert (Lanark)
Baring,Godfrey (Isle of Wight)
Barlow,SirJohnE.(Somerset)
Barnes, G. N.
Barran, Rowland Hirst
Barry,Redmond J.(Tyrone,N.)
Beale, W. P.
Beauchamp, E.
Beaumont, Hon. Hubert
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn,SirJ.Williams(Devonp'rt
Benn,W.(T'w'rHamlets,S.Geo.
Berridge, T. H. D.
Bertram, Julius
Bethell,SirJ.H.(Essex,Romf'rd
Birrell,Rt.Hon.Augustine
Bottomley, Horatio
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brunner,J.F.L.(Lancs.,Leigh)
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Burt, Rt. Hon. Thomas
Byles, William Pollard
Carr-Gomm, H. W.
Causton,Rt.Hn.RichardKnight
Cawley, Sir Frederick
Cherry, Rt. Hon. R. R.
Cleland, J. W.
Clough, William
Clynes, J. R.
Corbett,CH(Sussex,E.Grinst'd)
Cornwall, Sir Edwin A.
Cory, Clifford John
Cowan, W. H.
Cox, Harold
Craig,HerbertJ.(Tynemouth)
Cremer,Sir William Randal
Crooks, William
Crosfield, A. H.
Davies,Ellis William(Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dewar,Sir J.A. (Inverness-sh.)
Dickinson,W.H.(St.Pancras,N.
Duckworth, James
Duncan,C.(Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ffrench, Peter
Findlay, Alexander
Foster,Rt.Hon.Sir Walter
Freeman-Thomas, Freeman
Fuller, John Michael F.
Gibb, James (Harrow)
Gill, A. H.
Gladstone,Rt.Hn.HerbertJohn
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Gulland, John W.
Gurdon,Rt.Hn.SirW.Brampton
Haldane, Rt. Hon. Richard B.
Hardy, George A. (Suffolk)
Harmsworth,R.L.(Caithn'ss-sh
Harvey,A.G.C.(Rochdale)
Harvey,W. E.(Derbyshire,N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hazelton, Richard
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson,J.M.(Aberdeen,W.)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hodge, John
Holden, E. Hopkinson
Holland, Sir William Henry
Hope, John Deans (Fife,West)
Horniman, Emslie John
Hudson, Walter
Idris, T. H. W.
Illingworth, Percy H.
Jacoby, Sir James Alfred
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones,SirD.Brynmor(Swansea)
Jones, Lief (Appleby)
Jones,William(Carnarvonshire
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
King, Alfred John (Knutsford
Laidlaw, Robert
Lamb,Edmund G.(Leominster
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Lea,HughCecil(St.Pancras,E.)
Lever,A.Levy(Essex,Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George,Rt.Hon.David
Lough, Thomas
Luttrell, Hugh Fownes
Macdonald, J. R. (Leicester)
Macdonald,J.M. (Falkirk Bg'hs
Maclean, Donald
Macnamara,Dr. Thomas J.
Macpherson, J. T.
MacVeagh,Jeremiah(Down,S.
MacVeagh,Charles(Donegal,E.
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Killop, W.
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Markham, Arthur Basil
Marks,G.Croydon(Launceston
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Montagu, E. S.
Montgomery, H. G
Mooney, J. J.
Morton, Alpheus Cleophas
Murhpy, John (Kerry, East)
Murray, James
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Nicholson,CharlesN.(Doncast'r
Nolan, Joseph
Norton, Captain Cecil William
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.
O'Connor, T. P. (Liverpool)
O'Donnell, C. J. (Walworth)
Pearce, William (Limehouse)
Philipps, Owen C. (Pembroke)
Pickersgill, Edward Hare
Pirie, Duncan V.
Priestley,W.E.B.(Bradford,E.)
Radford, G. H.
Rainy, A. Rolland
Raphael, Herbert H.
Rea, Russell (Gloucester)
Richards,T.F.(Wolverh'mpt'n
Richardson, A.

Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson,SirG.Scott(Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Roe, Sir Thomas
Rose, Charles Day
Rowlands, J.
Scott,A.H.(Ashton-under-Lyne
Sears, J. E.
Seddon, J.
Seely, Colonel
Shackleton, David James
Shaw, Rt. Hon. T.(Hawick B.)
Sherwell,Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Sutherland, J. E.
Taylor, Austin (East Toxteth
Taylor, Theodore C. (Radcliffe)
Thomas, Sir A. (Glamorgan,E.)
Tillett, Louis John
Torrance, Sir A. M.
Trevelyan, Charles Philips
Verney, F. W.
Vivian, Henry
Walton, Sir John L. (Leeds, S.)
Waton,Joseph (Barnsley)
Wardle, George J.
Waring, Walter
Wason,JohnCathcart(Orkney)
Waterlow, D. S.
Watt, Henry A.
Weir, James Galloway
White, George (Norfolk)
White, J. D. (Dumbartonshire)
White, Luke (York, E.R.)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax)
Whittaker, Sir Thomas Palmer
Williams,Llewelyn(Carmarth'n
Wilson, John (Durham, Mid.)
Wilson, J. H. (Middlesbrough)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Wood, T. M'Kinnon
Yoxall, James Henry

TELLERS FOR THE AYES — Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood,RtHn.SirAlex.F.
Anstruther-Gray, Major
Balcarres, Lord
Balfour,RtHn.A. J.(CityLond.)
Banbury, Sir Frederick George
Barrie, H. T.(Londonderry,N.)
Beach, Hn.MichaelHugh Hicks
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Brotherton, Edward Allen
Butcher, Samuel Henry
Cave, George
Cavendish,Rt.Hon.VictorC.W.
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone,E.)
Chamberlain,Rt Hn.JA.(Worc.
Cochrane, Hon. Thos. H. A. E.
Collings,Rt.Hn.J.(Birmingh'm
Corbett, A.Cameron(Glasgow)
Corbett, T. L. (Down, North)
Craik, Sir Henry
Dalrymple, Viscount
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Faber, George Denison (York)
Fell, Arthur
Ferguson, R. C. Munro
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner,Ernest (Berks,East)
Gibbs, G. A. (Bristol, West)
Harrison-Broadley, H. B.
Helmsley, Viscount
Hill, Sir Clement(Shrewsbury
Hills, J. W.
Hunt, Rowland
Keswick, William
Lambton,Hon.Frederick Wm.
Lane-Fox, G. R.
Long,Rt.Hn.Walter(Dublin,S.
Lonsdale, John Brownlee
Lyttelton, Rt. Hon. Alfred
Mason, James F. (Windsor)
Meysey-Thompson, E. C.
Morpeth, Viscount
Muntz, Sir Philip A.
Nield, Herbert
Pease,HerbertPike(Darlington
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson, John Frederick Peel
Roberts, S. (Sheffield, Ecclesall
Salter, Arthur Clavell
Sheffield,SirBerkeleyGeorgeD.
Smith, Abel H.(Hertford,East)
Stanley,Hon.Arthur(Ormskirk
Starkey, John R.
Staveley-Hill, Henry (Staff'sh.
Talbot,LordE.(Chichester)
Thomson,W.Mitchell-(Lanark
Tuke, Sir John Batty
Valentia, Viscount
Walker,Col. W. H.(Lancashire)
Wyndham, Rt. Hon. George

TELLERS FOR THE NOES—Mr. Younger and Sir Samuel Scott.

MR. SINCLAIR moved an Amendment to provide that compensation to the landlord in certain cases should be payable for, *inter alia*, "non-payment of rent in respect of the holding." He said the House had had a discussion on the previous evening upon the point which the Amendment sought to cover, and it was owing to that discussion that the Amendment was put down. It was just possible that a small holder might become bankrupt and fail to pay his rent; that the holding would become vacant and the landowner would be unable to obtain the rent due to him during the period of vacancy. The Government had endeavoured to meet that by these words, which he hoped would be satisfactory to hon. Members opposite, who had discussed the point on the previous evening.

Amendment proposed to the Bill—

"In page 14, line 9, after the word 'through,' to insert the words 'non-payment of rent in respect of the holding or.'"—(*Mr. Sinclair.*)

Question proposed, "That those words be there inserted."

MR. MITCHELL-THOMSON (Lanarkshire, N.W.) expressed his satisfaction at the way in which the right hon. Gentleman had endeavoured to meet the views of hon. Members on this point. All he wished now was some explanation of the words "constituted as a holding," which were said to be the governing words of the clause. If those were the governing words of the clause the Amendment would result in giving only one year's rent. In the Amendment which he had moved on the previous evening, he had, as the right hon. Gentleman would see, provided for the payment of two years rent, which he thought was a far better proposal than that of the Governmen. They were told that the landlords were not a strictly benevolent race, but if it were laid down that the landlord, who gave to a tenant who was in arrear with his rent a benefit beyond what would be covered by one year's rent, would not be entitled to compensation beyond the amount of one year's rent, the effect would be to make the benevolent landlord as extinct as the dodo. He felt sure that the right hon. Gentleman would see that there was a point to be considered here. The additional liability would be very small, and he thought it would meet his point if the right hon. Gentleman made the compensation run up to the amount of two years rent instead of one, which he thought would be the effect of his Amendment.

Mr. SINCLAIR said the governing words of the clause, as had been said, were "constituted as a new holding." As the hon. Gentleman was aware, when over a year's rent was due to the landlord the crop was liable to be taken by him. Under the words he now proposed there would be a discretion left in the Land Court to have regard to the special circumstances of a particular case. He thought the strict interpretation of these words would limit the compensation to one year's rent.

Mr. WALTER LONG said that, while he agreed with his hon. friend, he recognised the difficulty which arose in this matter owing to the connection between this Bill and the Crofters Act. But the lamentable result to which his hon. friend had referred would inevitably follow. One result of this Bill would be to a large extent to divorce the landlords' interest from the soil, but that they could not help. The time had passed for considerations of that kind. The question now was how far this new sub-section went towards redeeming the pledge given by the Prime Minister on Second Reading. His objection had always been to the tribunal which had to assess the damage, and this sub-section was to meet the case of the landlords. It seemed to him that the question of damage ought to be remitted to another tribunal, but he advised his hon. friend to accept the Amendment as a fair compromise, although it did not go so far as could be wished.

Question put, and agreed to.

Amendment proposed to the Bill—

"In page 14, line 11, after the second word 'of,' to insert the words 'or the payment of compensation for.'"—(*Mr. Sinclair.*)

Amendment agreed to.

Mr. SINCLAIR moved to add the following words at the end of the clause:—"But nothing in this proviso shall apply to the case of a holding ceasing to be held by a landholder by reason of resumption by the landlord or by reason of the sale of the holding to the landholder." In the case of resumption by the landlord they had simply an instance of the landlord asserting his rights under the Bill and fulfilling the conditions of ownership. The other object was to make sure that similar results applied to the case where the holding was sold to the landholder. The object of the Bill was to allow such action to be unfettered in every way.

Amendment proposed—

"In page 14, line 14, at the end, to insert the words 'but nothing in this proviso contained shall apply to the case of a holding ceasing to be held by a landholder by reason of resumption by the landlord or by reason of the sale of the holding to the landholder.'"—(*Mr. Sinclair.*)

Question proposed, "That those words be there inserted."

Mr. WALTER LONG said he did not see why the Amendment was necessary at all. In the first place, where the landlord exercised the right of resuming the tenancy, how did the question of compensation arise at all? Compensation was paid for damage done to the landlord upon the creation of the small holding, that was to say, where his property was taken to create a small holding, or where one was already in existence in connection with which damage had accrued to him. The Prime Minister had assured them that if any such case occurred provision would be made for compensation. All that had been done. The difficulty could not arise where the landlord resumed possession. The thing was *res acta*; it was over. The resumption by the landlord referred to a period at a much later date, after all these transactions had been closed and compensation had been made. Therefore, unless some reason was given, he should object to the Amendment on the ground that the words were unnecessary, and that words which were unnecessary might prove a source of danger. As to the second part of the Amendment, his objection was altogether of a different kind. There he thought the Amendment was unjust, because it referred to the sale of the holding to the landholder, but the landlord did not participate in the transaction; he was not even consulted. He did not know what provisions there were in the Bill requiring sales; so far as his knowledge went this was the first time the question of sale was referred to in the measure at all. What was the contingency sought to be met? It was quite evident there was nothing to deal with except the resumption by the landlord after it might be ten, fifteen, or twenty years. Obviously in connection with the actual resumption there could be no claim for that, because the landlord became possessed of his own property. The first part of the Amendment was unnecessary and the second unjust.

MR. THOMAS SHAW said he agreed with the right hon. Gentleman that the Amendment probably erred on the side of extreme caution, and dealt with a case that would not be likely to arise. But he would point out that there was nothing to prevent the right of resumption by the landlord at any date. They might have a sudden development of the neighbourhood; coal might be discovered, and a new pit sunk. They did not wish to interfere with the right of the landlord to resume instantly. That necessity might arise even during the first year of the holding, and what they wished to provide for was that before there was a resumption, at all events the whole of the claims, while the relation between landlord and tenant still subsisted under the scheme of the Bill, should be settled. They wanted simply to provide for a settlement of the claims during the currency of the tenancy, and while the relation of landlord and tenant continued. As to the second part of the Amendment it was not open to the objection which the right hon. Gentleman thought. He quite admitted that it was a remote case they were providing for, but it might happen that during the early period of the tenancy the tenant might come into cash and wish to buy the holding. The landlord would then sell the holding to the landholder, and there was nothing to prevent his doing so on any terms he liked.

MR. WALTER LONG: By agreement?

MR. THOMAS SHAW: By agreement. The case he was assuming was supposed to take place at an early period. It would be a pity to have that transaction concluded, leaving undetermined a loss incurred before the date of that transaction. The case was a remote one. but he thought it was safe on the whole that while the relation of the parties as landlord and tenant still continued all matters should be settled during the currency of the term and not after the transaction.

MR. LAMBTON said the question of sale to the landholder was raised upstairs. He would like to ask the Lord Advocate whether the words of the clause were sufficient to give the landowner this power. Section 18 referred to the Act of 1886, and under ection 2 of that Act there was no power given to the landlord to resume for the purpose of sale; he could only resume for some reasonable purpose having relation to the good of the holding or of the estate, or in respect of the letting value of the land. There was no provision in the Crofters Act giving power for the purpose of sale to anybody. He wished to know whether the words of the Bill made clear this power of resumption.

MR. THOMAS SHAW replied that resumption for sale was not in any of the Acts. If the landlord wished to sell he just sold. He meant, that if landlord A sold his property to B, then B became the owner of the land with all A's rights. The new buyer came into the place of the seller with all the landlord's rights.

Question put, and agreed to.

MR. J. F. MASON (Windsor) moved to Amend Clause 17 by providing that "when the Land Court, after application by the landholder, has fixed the fair rent the landholder shall not be entitled to renounce his tenancy for a period of seven years thereafter unless the landlord agrees to accept such renunciation at any time prior to the expiry of such period.'" He said that this Clause was perhaps the most unjust and unfair clause of the whole Bill. It simply enabled the Agricultural Commissioners to get out of a difficulty on the back of the landlord. Section 7 of the Act of 1886, to which it referred, was a very short section contained in three lines and referred to the landlord's renouncing the tenancy. He was not surprised that the draughtsmen seeing the pecuniary difficulties which were likely to fall to the Agricultural Commissioners, tried to draft a proviso to add on to that short section to enable them to get some degree of security for their money. But the section took no cognisance of any money that might be due to the landlord. It simply stated that the landholder should not without the consent of the Land Court be entitled to renounce his tenancy if his liability to the Agricultural Commissioners was not wholly discharged. He ventured to think that the draughtsman could hardly be said to have seen the effect of that section at all. It simply meant that the Agricultural Commissioners in order to be secured for their money were going to saddle the landlord with a tenant, who, by hypothesis, because he was in financial difficulties, might be assumed not to be a successful farmer. He might probably be a bad farmer, and yet he was to be saddled upon the landlord against his own will and against the will of the landlord because he owed money to the Agricultural Commissioners. The chances of their recovering the money were perhaps not in the least improved by their doing this, and it seemed to him to be an unnecessary injustice to the landlord, who would be obliged to keep an undesirable tenant who was not in a position to pay his rent any more than he was able to pay his debts. He thought it was a most unwise and most unjust thing to attempt to get security in this way at the expense of the landlord and at the expense of the holding, which would be deteriorated. The Amendment changed entirely the sense of the clause. It was a proviso which prevented the landholder, after he had had his rent fixed, from breaking his bargain by throwing up his holding for a certain period unless he had the permission of the landlord. It was only just that when a rent had been fixed for seven years it should be binding on both parties. They might safely assume that if the landholder wanted to leave his holding it would not be in the interests of the landlord to retain him against his will, and that part of the proviso would not be taken advantage of. The draughtsman did not seem to have realised the disastrous effect of this proposal upon cultivation and upon the landlord himself. It was unwise, as well as unjust, to attempt to get security in this way at the expense of the landlord and of the land itself.

MR. MUNRO FERGUSON seconded the Amendment. As the clause stood it furnished a kind of burlesque. A man, because he owed the State money, was short of money, was to be fixed on the land. This was one of the clauses carried under closure in Committee, and it was an example of the kind of provision which made the Bill intolerable to any one accustomed to practical work in agriculture.

Amendment proposed to the Bill—

"In page 14, line 17, to leave out from the word 'that,' to the end of the clause, and insert the words 'when the Land Court, after application by the landholder, has fixed the fair rent the landholder shall not be entitled to renounce his tenancy for a period of seven years thereafter unless the landlord agrees to accept such renunciation at any time prior to the expiry of such period.'"—(*Mr. J. F. Mason.*)

Question proposed, "That the words proposed to be left out, to the first word 'the,' in line 21, stand part of the Bill."

SIR F. BANBURY commented on the ludicrousness of the idea of keeping a man who was a failure in the business in which he was failing. This proposition "took the cake" if he might be pardoned a colloquial expression; and the Amendment was fair and reasonable. The clause provided that if a man owed money to the Agricultural Commissioners he was not to be allowed to leave his holding. If common sense had been brought into the drafting of the Bill it would have provided that when a man had made a failure of a profession or business the best thing to do was to get him out of it. That had always been his idea of business. It was absurd to keep a man in a position in which he had failed, because he might take up something else and prove successful. That had turned out to be the case in regard to an hon. and learned Member opposite who was now a most distinguished lawyer. Some people had the idea that land was a gold mine, and that the moment they were put by the State in possession of forty acres of land belonging to somebody else they would become prosperous. His hon. friend had moved an Amendment which said that the landlord might come to an agreement with the man who had been a failure. The Agricultural Commissioners would no doubt lose money, but they would only be in the position of a great many other people who had advanced money upon an unsuccessful venture. In starting these pseudo-philanthropic enterprises the Government surely did not think they were not going to lose money. They were sure to incur loss, and they should have arranged what they would do in such an event. In Scotland they had a system of land tenure lasting for nineteen years. He remembered that Mr. Gladstone laid great stress upon that fact, which, in his opinion, was the best sort of tenure they could have in regard to land. If that was the case it followed that the rent should not be altered during the first seven years. He supposed it was intended to give some sort of return to the landlord for the capital he had invested in buildings. He was not quite sure whether the right hon. Gentleman would be inclined to accept the second part of the Amendment, but he saw no reason why he should not accept the first part, which seemed to him to be absolutely essential for the successful working of the Act.

MR. SINCLAIR said the Amendment was based on misapprehension. Several incorrect statements had been made concerning the clause, one being that the subject matter had not been discussed in Committee. Under the Crofters Act a crofter was entitled, on one year's notice in writing to the landlord, to renounce his tenancy. That remained. The clause did not touch it. All it did was to recognise that the Agricultural Commissioners might have an interest in the holding, so that if a tenant sent a notice to his landlord giving a year's notice a similar notice should be sent to the Commissioners, so that they might be aware that he had renounced his holding. Surely that was entirely proper. The hon. Baronet the Member for the City of London, who was a viligant guardian of public finance, would surely agree that a notice of this kind should be sent to the Agricultural Commissioners. That was all this clause did in the first place. It then became a matter for the landlord and the Commissioners to decide whether this tenant should be allowed to carry out his intention. The only effect of the clause was to call in the discretion of the Commissioners as to whether or not the tenant should be allowed to renounce. If a tenant was an ineffective and incapable man, surely the sooner he was got rid of the better. But the Amendment suggested that this incompetent tenant should be kept for seven years unless the landlord agreed to accept the renunciation at any time. That was an unworkable and impracticable proposal, and it would be a much more unsatisfactory provision than that in the clause. If properly safeguarded in the public interest, the provision for facilitating renunciation was a useful one. It was not proposed in the interest of bankrupts. There might be satisfactory tenants who wished to go to larger holdings. Under the Crofters Act men had frequently changed to larger holdings. This renunciation clause was a perfectly innocuous and wise one. It insisted that the Agricultural Commissioners should be called into consultation with the view to protecting the public interest when a tenant gave notice of renunciation. The Amendment would really tend to prevent the landlord from getting rid of an unwilling or unsatisfactory tenant, and that would be to the injury of the holding and of the Agricultural Commissioners. He was, therefore, unable to accept the Amendment.

MR. COCHRANE (Ayrshire, N.) said that after all the discussions in Committee and on the floor of the House the Secretary for Scotland entirely failed to understand his own Bill. The right hon. Gentleman had said that the power to renounce a holding had been frequently taken advantage of under the Crofters Act. That had been done principally for one specific purpose, and that was to get out of being a crofter. [AN HON. MEMBER: No.] He maintained that that was so. Many of the crofters had been grievously disappointed at the conditions obtained under the Act, and they desired to resume the friendly relations with the landlords which existed previously. They, therefore, renounced their tenancies as crofters and took leases. Under this Bill leaseholders would be included, and, therefore, there would be no opportunity for a man renouncing his holding as a yearly tenant; he would be bound to be a small landholder whether he liked it or not. The right hon. Gentleman said that the Agricultural Commissioners were to be enabled to prevent a small landholder from renouncing his tenancy. That was not so at all. All they could do was to fix upon the land a most undesirable class of small landholders—men who had not wholly discharged their liabilities to the Commissioners. The desire of the Government seemed to be to anchor on the land the most unsatisfactory and unpromising class of tenant so long as the liabilities to the Agricultural Commissioners were not wholly discharged. The right hon. Gentleman said the reason of that was the public interest—that money was still owing to the public. He ventured to say that the public interest was not so closely identified with the few pounds that might be owing as with the proper cultivation of the land. If a small landholder who entered on a bad bargain and incurred certain liabilities was to be tied down to the holding there would be a certain risk of the land deteriorating and thereby more harm than good would be done. The Amendment was most reasonable, for he did not think any responsible landlord would undertake to spend money on a holding which could be given up on one year's notice. If a man got his rent fixed for a period of seven years for a holding which might be part of a farm in a high state of cultivation, he might make a good profit for two or three years, and then throw it back on the hands of the landlord. That was not a course of conduct which could be beneficial to agriculture generally throughout the country, or conducive to the welfare of the scheme proposed in the Bill. The right hon. Gentleman had not put forward one solid argument against the Amendment.

*SIR SAMUEL SCOTT said that there was a class of tenants known in the agricultural districts as wreckers. The right hon. Gentleman in supporting this measure invariably pointed to the success of the Crofters Acts, but it should be remembered that the conditions in the crofting counties were entirely different from those in the Lowlands. The right hon. Gentleman had contended that it was only right that the Agricultural Commissioners should be able to prevent a tenant renouncing his tenancy, because they had an interest in the holding. From the first, the Secretary for Scotland had said that there was no principle of dual ownership in the Bill. And yet the right hon. Gentleman came to the House and gave them a very excellent illustration of dual ownership as created by the Bill. What was the position under this clause? It was that if the small holder desired to renounce his holding, under Subsection 7 of the Act of 1886, as amended by

Clause 17 of this Bill, he gave notice to his landlord, and if he owed the Agricultural Commissioners any money, the Agricultural Commissioners could come in and refuse permission to that tenant to renounce his holding. Therefore the position was this: that an unwilling tenant gave notice to his landlord that he wished to renounce his holding, and although the landlord desired to get rid of him, he could be prevented by the Agricultural Commissioners. That was to say, this man would be planted on the landlord, he would have no interest in his farm, and naturally he would farm badly in order to force the landlord to get rid of him under other clauses. That was one of the many gross injustices that existed under the Bill. He was very much surprised that the right hon. Gentleman did not accept the reasonable Amendment of the hon. Member for Windsor. It was said that the interests of the landlord and the Agricultural Commissioners were the same, but he would point out that the interests of the landlord and the Agricultural Commissioners might be entirely different. The landlord's interest would be to get good cultivation for his farm; the Agricultural Commissioners' interest would be to extract the last penny from the tenant.

Question put.

The House divided:—Ayes, 209; Noes, 41. (Division List No. 391.)

AYES.

Abraham, William (Rhondda)
Adkins, W. Ryland D.
Ainsworth, John Stirling
Astbury, John Meir
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Barnes, G. N.
Beale, W. P.
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn, Sir J. Williams (Devonp'rt
Benn, W. (T'w'r Hamlets, S. Geo.
Berridge, T. H. D.
Bethell, Sir J. H. (Essex, Romf'rd
Bethell, T. R. (Essex, Maldon)
Bottomley, Horatio
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brunner, J. F. L. (Lancs., Leigh)
Burns, Rt. Hon. John
Burt, Rt. Hon. Thomas
Byles, William Pollard
Cawley, Sir Frederick
Cherry, Rt. Hon. R. R.
Cleland, J. W.
Clough, William
Clynes, J. R.)
Corbett, C H (Sussex, E. Grinst'd
Cory, Clifford John
Cowan, W. H.
Cremer, Sir William Randal
Crooks, William
Crosfield, A. H.
Dalziel, James Henry
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dickinson, W. H. (St. Pancras, N.
Duckworth, James
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Findlay, Alexander
Fuller, John Michael F.
Gibb, James (Harrow)
Gill, A. H.
Gladstone, Rt. Hn. Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Greenwood, Hamar (York)
Gulland, John W.
Gurdon, Rt Hn. Sir W. Brampton
Hardy, George A. (Suffolk)
Harmsworth, R. L. (Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey, W. E. (Derbyshire, N. E.
Haslam, Lewis (Monmouth)
Haworth, Arthur A.
Hazleton, Richard
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hodge, John
Holden, E. Hopkinson
Holland, Sir William Henry
Horniman, Emslie John
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Jacoby, Sir James Alfred
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones, Sir D. Brynmor (Swansea)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G. (Leominster)
Lamont, Norman
Lardner, James Carrige Rushe
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs)
Maclean, Donald
Macnamara, Dr. Thomas J.
Macpherson, J. T.
MacVeagh, Jeremiah (Down, S.)
MacVeigh Charles (Donegal, E.)
M‘Callum, John M.
M‘Crae, George
M‘Kenna, Rt. Hon. Reginald
M‘Killop, W.
M‘Laren, H. D. (Stafford, W.)
M‘Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Montgomery, H. G.
Morton, Alpheus Cleophas
Murphy, John (Kerry, East)
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Newnes, Sir George (Swansea)
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)

O'Donnell, C. J. (Walworth)
Pearce, William (Limehouse)
Pearson,Sir W. D. (Colchester)
Pirie, Duncan V.
Price, C. E. (Edinb'gh,Central)
Radford, G. H.
Raphael, Herbert H.
Rea, Russell (Gloucester)
Richards,T.F.(Wolverh'mpt'n)
Richardson, A.
Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson,SirG.Scott(Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Roe, Sir Thomas
Rogers, F. E. Newman
Rowlands, J.
Samuel, S. M. (Whitechapel)
Scott,A.H.(Ashton-under-Lyne
Sears, J. E.
Seddon, J.
Shackleton, David James
Shaw, Rt. Hon. T. (HawickB.)
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stewart, Halley (Greenock)
Straus, B. S. (Mile End)
Sutherland, J. E.
Taylor, Theodore C. (Radcliffe)
Thomas,SirA.(Glamorgan,E.)
Thompson,J.W.H.(Somers't,E.
Torrance, Sir A. M.
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walton,SirJohnL.(Leeds, S.)
Walton, Joseph (Barnsley)
Wardle, George J.
Waring, Walter
Wason,JohnCathcart(Orkney
Waterlow, D. S.
Watt, Henry A.
Weir, James Galloway
White, George (Norfolk)
White, J. D. (Dumbartonshire)
White, Luke (York, E. R.)
White, Patrick (Meath, North)
Whitley,John Henry (Halifax)
Whittaker,SirThomasPalmer
Williams,Llewelyn(Carmarth'n
Wills, Arthur Walters
Wilson,Hon.C.H.W.(Hull,W.)
Wilson, Henry J.(York, W.R.)
Wilson, John (Durham, Mid)
Wilson, J. H. (Middlesbrough)
Wilson, P. W.(St. Pancras,S.)
Wilson, W. T. (Westhoughton)
Wood, T. M'Kinnon
Yoxall, James Henry

Tellers for the Ayes—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood,RtHn.SirAlex.F.
Anstruther-Gray, Major
Banbury, Sir Frederick George
Barrie, H. T. (Londonderry,N.)
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Brotherton, Edward Allen
Cave, George
Cochrane, Hon. Thos. H. A. E.
Collings,Rt Hn.J.(Birmingh'm)
Corbett, A.Cameron (Glasgow)
Corbett, T. L. (Down, N.)
Craik, Sir Henry
Dalrymple, Viscount
Douglas, Rt. Hon. A. Akers-
Fell, Arthur
Ferguson, R. C. Munro
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hills, J. W.
Hunt, Rowland
Long,Rt.Hn.Walter(Dublin,S.)
Meysey-Thompson, E. C.
Nield, Herbert
Pease,HerbertPike(Darlington)
Powell,Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson,John Frederick Peel
Roberts,S.(Sheffield,Ecclesall)
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Starkey, John R.
Staveley-Hill, Henry (Staff'sh.)
Thomson,W.Mitchell-(Lanark)
Tuke, Sir John Batty
Valentia, Viscount

Tellers for the Noes—Mr. James Mason and Mr. Abel Smith.

Mr. SINCLAIR moved to insert the words "except by agreement with the Agricultural Commissioners," affecting the prohibition imposed on the landholder without the consent of the Land Court to renounce his tenancy whilst there is a liability owing by him to the Commissioners. There was no need when the landlord and the Agricultural Commissioners were agreed to obtain the landlord's consent.

Amendment proposed to the Bill—

"In page 14, line 21, to insert after the word that,' the words "except by agreement with the Agricultural Commissioners.' "—(*Mr. Sinclair.*)

Question proposed, "That those words be there inserted."

Sir HENRY CRAIK said that the landholder might agree with the Agricultural Commissioners, but where did the landlord come in?

Mr. SINCLAIR said that the landholder was entitled to renounce, and if the Agricultural Commissioners had no objection there was no reason for the matter to go further.

Mr. ABEL SMITH said that this would be a useful provision; they ought to be grateful to the right hon. Gentleman for inserting it and give him great credit for the concession.

Question put, agreed to.

Mr. ABEL SMITH moved an Amendment to Clause 18 which provides that the feuing of land for the general development of an estate shall be deemed to be a reasonable purpose for resuming a holding. He desired to insert after the word "feuing" the words "or selling or letting on long leases." He thought it was reasonable that if a landlord wished to feu his land he should have the right of resumption. It was also reasonable that he should have a similar right if he wished to sell his land or to let it upon a long lease. He had always understood that the object of the Party opposite was to free land from the trammels under which it was supposed to suffer so that it should pass easily from hand to hand. It seemed to him, however, that a landlord if he wished to sell his land would, under this Bill, be in a very unfortunate position. He thought that if a landowner wished to sell he should be able to free the land. The same remarks applied to the landowner who wished to let the land on a long lease. An hon. Member said that the system of long leases was entirely unknown in Scotland, but some of his hon. friends representing Scotland said that their experience was not the same as that of the hon. Member. They said that there were many feus and long leases in Scotland, and although he did not desire to define the difference between a feu and a long lease, what he did desire was that if a landlord wished to sell or to let on a long lease he should not be prevented from doing so by the machinery of the Bill.

SIR F. BANBURY seconded the Amendment, and said he did so if only for the purpose of obtaining some explanation of the problem of feuing. He believed that feuing in Scotland meant letting on a long lease, which extended so long as what we in England called the ground rent was paid. Under those circumstances he thought that once a feu had been created, the power to sell would go from the landlord into the hands of the owner of the feu, and if that was so the words proposed by his hon. friend seemed to him to be unnecessary. He gathered, however, that there was a difference of opinion among Scottish Members as to whether when land was feued it was let on a long lease or whether it was not. Some Scottish Members said it was and some said it was not.

Amendment proposed to the Bill—

"In page 14, line 21, after the word 'feuing, to insert the words 'or sale or letting on long lease.'"—(*Mr. Abel Smith.*)

Question proposed, "That those words be there inserted in the Bill."

MR. URE said he did not intend for the information of the hon. Baronet for the City of London to embark upon a discussion upon the law of Scotland in regard to feus, but he gathered that hon. Members were desirous to have some information on this and other Amendments. This clause dealt exclusively with the landlord's right to deal with his land, and no landlord was precluded from selling his estate merely because there were small landholders upon it, but it would never do to allow the landlord to turn off the small holders because he was going to sell his estate. Long leases did exist, but nobody granted them with a view to developing their estates. Long leases in Scotland were for ninety-nine years or 999 years, but this was a very unusual form of tenure in Scotland, and it was by no means favoured, and no landlord had been known to develop his estate by long leasing. Feuing was much the better method. Feu-holding was practically equivalent to the sale of the property; that was to say, the feuar was in a sense the owner of the poperty, although the owner remained able to take back his land if the feuar broke the conditions of the feu. But to all intents and purposes the feuar was in possession of the property. He could pass on the feu to somebody else and build upon the land and utilise it in any manner he chose. Feuing was the favourite method of dealing with land, and would, he hoped, remain so, in spite of the observations of his hon. friend.

MR. COCHRANE said he was sure they were all very grateful for the explanation of the Solicitor-General, and, of course, they all deferred to the highest legal authority. This Bill referred back to the Crofters Act of 1886, and they had to look at that Act to see what the meaning of this measure was. Section 7 of the Crofters Act provided that the Crofters Commission might on the application of a landlord, having been satisfied that he desired to resume possession for some reasonable purpose, and having regard to the holding and estate, allow him to resume possession on his finding land of equivalent value in the neighbourhood for the dispossessed crofters or paying them compensation. The Solicitor-General said it would be an intolerable thing that a landlord who wished to resume possession should turn out all the small landholders, but he could only, as he had shown, do so on the terms that he must find other holdings for the expropriated tenants or pay them compensation. If that was said with regard to feuing should it not also be reasonable for the purposes of sale? He did not think long leases were very popular in Scotland. The Scottish people were rather in favour of as much fixity of tenure as they could reasonably get at their own expense, and they generally preferred that to fixity of tenure as given by the Land Court. He had endeavoured to sweep away the only objection the hon. and learned Gentleman had to this Amendment, and he hoped he had been successful, and that the Amendment would now be accepted.

Mr. ABEL SMITH said the Solicitor-General had tried to persuade the House that it would be a very absurd thing for a landlord to wish to resume possession of land when he contemplated selling it. But it was very desirable in the public interest as well as in the interest of the landlord that he should have power to resume possession of land in the occupation of landholders, when he had an opportunity of selling a portion of his estate of which they were in possession, so as to be able to sell the land free of incumbrances. The hon. Member for Leith had called attention to a case earlier in the evening, where a sale had taken place of land on which certain crofters had fixity of tenure, with the result that after the completion of the sale the purchaser had to go to the Court and get the purchase money reduced because he had purchased the crofters as well as the land.

Mr. MITCHELL-THOMSON said that so far as he had gathered, the contention of the hon. and learned Gentleman was that resumption for the purposes of sale would not be a reasonable cause for resumption.

Mr. URE said it would not be resumption at all.

Mr. MITCHELL-THOMSON said the Crofters Act clearly presupposed that the landlord might resume possession for the purpose of using the land himself. It would be a most unreasonable thing to sell an estate with small holders upon it, and it was only natural that a landowner before selling his estate should desire to clear the small holder off. If the view was right under the Crofters Act the landowner was entitled to do that if he gave the small holder suitable compensation or another holding. The point he wished to put particularly, however, was the case of a sale to, not a private owner, but a public authority. Let them take the case of a public authority which desired to purchase an estate for the purpose of making a reservoir. The landlord might be compulsorily made to sell. In such a case had he the power to resume under this Bill or not, and if he had not, had the public authority which purchased the land, power to clear the holders off?

Mr. URE said it could not be denied that it would be a great disadvantage in certain circumstances to have small holders on an estate which it was desired to sell.. But he could not admit that any owner who desired to sell his estate, either to a private owner or a public owner, was entitled to break the leases on that estate. This Bill gave the small holders fixity of tenure, and put them in the same position as if they occupied under a lease, and the landowner was not entitled to break the conditions of a lease except by arrangement and agreement with the leaseholder. Of course, if the land was sold compulsorily to a public authority, the small holder might have to go, but in the case of a compulsory sale to a public authority the sale was for the public benefit, and in cases of that kind private interest must give way.

Question put, and negatived.

Sir **HENRY CRAIK** said they had had a very powerful argument from the Solicitor-General in favour of not disturbing for the sake of sale or any other object the tenants on an estate. The hon. and learned Gentleman had appealed to the usages and long traditions of Scotland in favour of the feus, but the more he had urged his argument the more clearly he had proved that feus were a production of Scotland, inherent in its soil, associated with its history, bound up with its agricultural progress, and things which everyone must admire. Clause 18 of this Bill allowed the setting aside of the new landholder and the landowner to resume on account of feuing; but it immediately afterwards seriously curtailed the right of such resumption. "For the general development of the estate" was a most uncertain and vague definition. One never knew where it might not be said that this was not for the general development of the estate. It might be that feus had been granted in a locality close to the sea, and the landowner under this Bill would be prevented from contributing to the general prosperity of the locality by establishing a good sized coast township owing to the fact that there were feus there with which that township would interfere. Why limit it in any way? Was there the least likelihood that the feu would be granted without good reason? And besides that, was it not in the interest of fixity of tenure that they should develop the growth of these peasant proprietors who were so likely to increase the general prosperity of the country? They should come as near as possible to proprietorship, and nothing came so near proprietorship, without involving the whole of the conditions of proprietorship contained in this Bill, as the Scottish feu. However good their new landholders might be, they were never so good as the feu-holder who had a moderate amount of rent to pay, who had no debts, who could dispose of his holding by bequest or inheritance, or in any way he pleased, without any of the conditions which attached under this Bill. Why not develop this holder, to whom the Solicitor-General had alluded as one of the great causes of the development of agriculture in Scotland? Why not encourage the feuar in every possible way by omitting those vague and uncertain words "for the general development of the estate"? The feuars were the counterpart of the old peasant proprietors of England, they were indigenous to the Scottish soil, they had done more than anyone else in Scottish economics to develop Scottish small holders; they were free from all complications as to mutual claims and compensations to which the new landholders would be subject under this Bill; and he thought that they should remove every possible vagueness or curtailment of the right to resume, and let the small holder give way to one who was a better member of the body economic and a highly developed agriculturist. He therefore moved.

Sir **F. BANBURY** in seconding the Amendment, said that this question had been raised in Committee upstairs, and they had been told by the hon. Gentleman opposite that feuing was of great advantage to the people of Scotland; therefore he was in favour of doing something that would benefit the industry. It seemed to him that the clause had the intention of encouraging feuing by the inclusion of the words "general development of the estate," but it was so uncertain what would be considered "general development" that unless the people who were desirous of feuing were prepared to go through an endless course of litigation, no feuing would result, and therefore he was in favour of the omission of the words, as proposed by his hon. friend. It must be remembered that a person might become a small landholder owning 500 acres; they had been told that there were holdings of as much as 1,000 acres, of which the rent was £50 a year; therefore, the holder would become a small landholder under this Bill. He did not take such an example; he took a holding of 300 or 400 acres. There had been an interesting discussion in Committee in regard to the feuing holdings of Arran. It was said that the small landholders there made their rent by letting their houses in the summer season to visitors. They were told that the island of Arran was one of the most beautiful spots in the world, and it had been pointed out in Committee that unless they were very careful, hotels and villas might be erected there. It seemed to him that the small landholder's farm of 200, 300, or 400 acres might, for the accommodation of visitors to Arran from Glasgow and elsewhere, be used for the erection of villas or hotels or cottages. If they took 300 or 400 acres out of an estate of 20,000 or 25,000 acres for the purpose of feuing, was it for the general development of the estate? He thought that a very pretty argument might arise before the Land Court, where he presumed counsel would be allowed to appear for the parties. Where a property was on the coast, or by the shores of a lake, it would be difficult to prove that 300 acres taken out of it for the purpose of feuing in the way he had described was for the general development of the estate, especially if the Solicitor-General for Scotland was in the case and took the side that it was not for the development of the estate. He thought that after hearing the arguments of the hon. and learned Gentleman, were he a Judge of the Land Court he would find it very difficult to hold that it was for the general development of the estate. It was because they desired to limit all these sources of litigation as far as possible that he had much pleasure in supporting the Amendment.

Amendment proposed to the Bill—

"In page 14, line 28, to leave out the words 'for the general development of the estate.'"—(*Sir Henry Craik.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. URE said the hon. Baronet had supported the Amendment on the ground that it would diminish litigation. He had no unreasoning antipathy to litigation himself; he knew of no more admirable way of settling disputes. He regretted to add, however, that the practice before the Crofters Commission had been confined exclusively to members of the local bar. The hon. Gentleman the Member for Glasgow University had said that he ought to accept the Amendment because he had on a former occasion said that feuing was for the development of agriculture in Scotland. If he had ever said that feuing was for the development of agriculture, then either he, or the hon. Gentleman who said he heard it, must have been suffering under temporary mental aberration. Feuing had never been the means of developing agriculture, but it was an admirable method of developing suburban villas, and far be it from him to say anything against that admirable system of land tenure which had been handed down to them through centuries. Suppose a landlord granted a single feu on a particular piece of ground, where he wished to have a villa, and that plot was occupied by a small landholder, was it to be said that he should be entitled to turn out that small holder? He thought that that would be a most objectionable thing. Why should the small landholder be turned out? Why should he have to make way for the feuar? What better was the feuar than the small landholder? Why should they give the small landholder security of tenure and then, having found that another man was desirous of building a villa on his land, immediately proceed to turn him out? If the landlord was desirous of having the small landholder's ground, it was his business to go to the small landholder and make an agreement under which for proper consideration the place could be taken over by the feuar. The words in the Bill were imported from the Crofters Act. It had been found during twenty years that there had been no difficulty in interpreting them. Their object was to enable a landlord to develop his estate and to make the best possible use of it. That was the whole object, he thought, of all the Land Acts, namely, to make the very best possible use of what had been called the national territory. Whatever view they took, they would not authorise the landlord to turn out the small landholder, in order to import the small feuar, but if the Land Court were satisfied that it would be for the general advantage of the estate that the landlord should be allowed to make a change by feuing, then, of course, the landlord would have to pay compensation to the small landholder whom he turned out.

Question put, and negatived.

Viscount HELMSLEY (Yorkshire, N.R., Thirsk) moved to insert in line 28, after the word "estate," the words "or mining or quarrying or other purposes connected therewith." Under the Crofters Acts the landlord was allowed to "enter upon the holding for any of the purposes following," and mining and quarrying were mentioned. They had not had any explanation from the law officers of the Crown whether that meant resuming possession of the holding. It seemed to him that the language used in the Bill which dealt with small holdings for England put the matter in plainer language, and showed that that was one of the purposes for which the landlord had power to resume possession. The question was whether the words in the Crofters Acts, as a matter of fact, gave power to resume possession, or a concurrent power to use the holding for the purpose of mining or quarrying. He would like the Solicitor-General's opinion as to whether or not the words he suggested would make the matter clearer. He begged to move.

Amendment proposed to the Bill—

"In page 14, line 28, after the word 'estate,' to insert the words 'or mining or quarrying or other purposes connected therewith.'"—(*Viscount Helmsley.*)

Question proposed, "That those words be there inserted."

Mr. URE assured the noble Lord that the words he had proposed were quite unnecessary.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 14, line 28, to leave out the word 'shall,' and to insert the words 'or the occupation of a holding, being his only landed estate, by a landlord for the purpose of personally residing thereon, shall respectively.'"—(*Mr. Ure.*)

Question proposed, "That those words be there inserted."

Mr. COCHRANE asked if there was any limitation as to the size of the holding. There was another point, and that was as to how this would work in case a man went out to Canada to make money and when he came back desired to resume his holding. What size of holding was referred to, and would this proposal allow a large estate to be resumed possession of.

Mr. URE said the Amendment applied necessarily to just the size of holdings to which the Act applied.

Viscount HELMSLEY said the history of this Amendment was interesting and instructive because it had been moved to protect the districts of Orkney and Shetland and Ross, and various other Highland districts. There was some discussion upon the question in Committee, and the interesting point was as to where the justice of it began and ended. By this Amendment the Government admitted that it was unjust to take a man's land when it was his only possession, but it might be in the public interest to take it. Why if it was just in one case should it be unjust in another? Why was it unjust to take a man's property if it happened to be 50 acres, and just to take 300 acres which the landlord wanted to farm himself? The Bill enabled such a farm to be cut up into small holdings for other people. He did not oppose the Amendment, but it would be interesting to have some justification of it from the Government. He thought the hon. Member representing Orkney and Shetland would have had a very unfortunate time if he had gone back to his constituents and told them that the Government had refused to listen to his representations. He hoped the House would remember the history of this Amendment and the reason why it had been introduced.

Question put, and agreed to.

Mr. J. F. MASON moved to leave out Clause 19 (Amendment of law as to bequest of holdings), which proposed to substitute the words "Land Court" for the word "sheriff" under Section 16 of the Act of 1886. Under Clause 21 the Land Court were empowered to delegate any of their powers to any one member, so that they could delegate the powers of the Sheriff to that one member, and there was no appeal except to the other members of the Court. When this question was raised in Committee they were told by the Solicitor General that the delegation would only apply to matters of fact. Later on it was pointed out that this very clause necessitated or enabled the Land Court to delegate its powers upon matters of law. It was evident that the Land Court could delegate any or all of its powers. It seemed to him that the legal member of the Land Court would become the sheriff to all intents and purposes and take his place. What appeal would there be from one member of the Land Court ? There was no appeal except to the other members of the Court. There was only one legal member of the Land Court, and if there was any appeal desired from his decision, it must be made to the other members of the Court because he had no right to take part in an appeal in which his own action was in question. Therefore, a matter of law would be referred to members of the Court who were not legal experts, and who were not qualified to decide. There was absolutely no appeal from the judgment of the legal member. He begged to move.

Mr. MUNRO FERGUSON, in seconding the Amendment, said that in Committee he expressed his reluctance to part with the sheriff, because he regarded him as the last relic of justice left by this Bill. He was confirmed in that view by the statement of the hon. Member for Windsor. The hon. Member said that the Land Court could not be so easily "got at" as the sheriff. He would not pursue that argument because if he did he might be suspected of a *double entendre.* It was desirable that questions relating to the bequest of a tenant's right in a holding should be dealt with by a perfectly independent authority. The sheriff was a man in whom everybody had confidence.

Amendment proposed to the Bill—

"In page 14, line 30, to leave out Clause 19."—(*Mr. J. F. Mason.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. URE said he did not share the views of the hon. Member for the Leith Burghs that in parting with the sheriff in this matter they were parting with the last relic of justice. They believed that the Land Court, consisting of, they hoped, five intelligent men of probity, would be found an impartial Court, and he thought it was certain that their duties would be confined strictly to judicial and executive functions. Nor did the Government share the apprehensions of the hon. Member for Windsor, that difficult questions of law would be remitted to the Land Court. Under Section 16 of the Crofters Act the only questions that would probably arise were questions of pure fact, with which the Land Court would be much better able to deal than the sheriff. A question of law had never arisen under this section except once in twenty years. There was, however, an appeal on questions of law to the Court of Session on a case stated.

Viscount HELMSLEY said he could have wished that this Amendment had received more sympathetic consideration. It was all very well for the Solicitor-General to say that the Land Court would only have to decide questions of fact, but the questions arising under Section 16 of the Crofters Act were not questions of fact at all. They were questions of opinion. What the sheriff had to decide now, the Land Court, or one member of it, would have to decide in future. It seemed to him that all sorts of questions might arise in which great discrimination would have to be shown by the person who gave the decision. The sheriff, being an old established institution in Scotland, must command far greater confidence than any Land Court which the Government could propose to set up. They were told that the Crofters Act had been an immense success. If that was so, why should the sheriff be relieved of duties which he had discharged properly in the past ? He could not understand why this point in the Crofters Act had been picked out as one in regard to which there should be a change.

Mr. COCHRANE said the cases in which in the past there had been appeals from the Crofters Commission were those in which it was said there had been flaws in procedure. The vast complications arising in such cases were much more likely to be properly dealt with by the sheriff who was an expert in law than by members of the Land Court who had no knowledge of law at all. So far as he knew, there was no fixed domicile for the Land Court. Having in view the rival claims of Glasgow and Edinburgh, the right hon. Gentleman had thought it unsafe to give any particular domicile to the Court, so that at present it was suspended, like Mahomet's coffin, betwixt earth and Heaven. Moreover they had not been told the names of the gentlemen who would compose the Land Court, although in all analogous Acts such names had either been embodied or else the House had been made acquainted with them. This Land Court, without a location and without *personnel*, was the most mysterious body that could be conceived, and yet the Solicitor-General for Scotland blindly confided to it all the duties hitherto so ably performed by the sheriff.

Question put.

The House divided:—Ayes, 237; Noes, 54. (Division List No. 392.)

AYES.

Abraham, William (Rhondda)
Adkins, W. Ryland D.
Ainsworth, John Stirling
Alden, Percy
Allen, A. Acland (Christchurch)
Astbury, John Meir
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barnes, G. N.
Barran, Rowland Hirst
Barry, Redmond J. (Tyrone, N.)
Beale, W. P.
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn, Sir J. Williams (Devonp'rt
Benn, W. (T'w'r Hamlets, S. Geo.
Berridge, T. H. D.
Bethell, Sir J. H. (Essex, Romf'rd
Bethell, T. R. (Essex, Maldon)
Birrell, Rt. Hon. Augustine
Bottomley, Horatio
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brunner, J. F. L. (Lancs., Leigh)
Buchanan, Thomas Ryburn
Burt, Rt. Hon. Thomas
Byles, William Pollard
Carr-Gomm, H. W.
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Cleland, J. W.
Clough, William
Clynes, J. R.
Corbett, CH (Sussex E. Grinst'd
Cornwall, Sir Edwin A.
Cowan, W. H.
Cremer, Sir William Randal
Crooks, William
Crosfield, A. H.
Dalziel, James Henry
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Dewar, Sir J. A. (Inverness-sh.)
Dickinson, W. H. (St. Pancras, N
Dilke, Rt. Hon. Sir Charles
Duckworth, James
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Fiennes, Hon. Eustace
Findlay, Alexander
Foster, Rt. Hon. Sir Walter
Freeman-Thomas, Freeman
Fuller, John Michael F.
Gibb, James (Harrow)
Gill, A. H.
Gladstone, Rt. Hn. Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Gulland, John W.
Gurdon, Rt Hn. Sir W. Brampton
Hardy, George A. (Suffolk)
Harmsworth, R. L. (Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey, W. E. (Derbyshire, N.E.
Harwood, George
Haslam, Lewis (Monmouth)
Haworth, Arthur A.
Hazel, Dr. A. E.
Hazleton, Richard
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hodge, John
Holden, E. Hopkinson
Holland, Sir William Henry
Horniman, Emslie John
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Jacoby, Sir James Alfred
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones, Sir D. Brynmor (Swansea
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Kearley, Hudson E.
Kearley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lambert, George
Lamont, Norman
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs
Maclean, Donald
Macnamara, Dr. Thomas J.
Macpherson, J. T.
MacVeagh, Jeremiah (Down, S.
MacVeigh, Charles (Donegal, E.
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Killop, W.
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Molteno, Percy Alport
Montgomery, H. G.
Mooney, J. J.
Morrell, Philip
Morton, Alpheus Cleophas
Murphy, John (Kerry, East)
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Newnes, Sir George (Swansea)
Nicholson, Charles N. (Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)

O'Connor, T. P. (Liverpool)
O'Donnell, C. J. (Walworth)
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pearce, William (Limehouse)
Pearson, Sir W. D. (Colchester)
Pirie, Duncan V.
Price, C.E.(Edinburgh,Central)
Priestley,W.E.B.(Bradford,E.)
Radford, G. H.
Raphael, Herbert H.
Rea, Russell (Gloucester)
Richards, T. F.(Wolverh'mpt'n
Richardson, A.
Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson,SirGScott(Bradf'rd
Robertson,J.M.(Tyneside)
Robinson, S.
Roe, Sir Thomas
Rogers, F. E. Newman
Rose, Charles Day
Rowlands, J.
Russell, T. W.
Scott,A.H.(Ashton-under-Lyne
Sears, J. E.
Seddon, J.
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick B.)
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Sutherland, J. E.
Taylor,Austin(East Toxteth)
Taylor, Theodore C. (Radcliffe)
Thomas,SirA.(Glamorgan, E.)
Thompson,JWH.(Somerset,E.)
Tomkinson, James
Torrance, Sir A. M.
Trevelyan,Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walton, Sir John L. (Leeds, S.)
Walton, Joseph (Barnsley)
Wardle, George J.
Waring, Walter
Wason, John Cathcart (Orkney)
Waterlow, D. S.
Watt, Henry A.
Weir, James Galloway
White, George (Norfolk)
White, J. D. (Dumbartonshire)
White, Luke (York, E.R.)
White, Patrick (Meath, North)
Whitley,John Henry(Halifax)
Whittaker,SirThomasPalmer
Williams,Llewelyn(Carmarth'n
Wills, Arthur Walters
Wilson,Hon. C.H.W. (Hull,W.)
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid.)
Wilson, J. H. (Middlesborough)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Wood, T. M'Kinnon

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood,RtHnSirAlex.F.
Anstruther-Gray, Major
Balfour,RtHnA.J.(CityLond.)
Banbury,SirFrederick George
Barrie,H.T.(Londonderry,N.)
Beach,Hn.MichaelHughHicks
Beckett, Hon.Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Butcher, Samuel Henry
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone, E.)
Cochrane, Hon. Thos. H. A. E.
Collings,Rt. Hn.J.(Birm'gham)
Corbett, A. Cameron (Glasgow)
Corbett, T. L. (Down, North)
Craik, Sir Henry
Dalrymple, Viscount
Douglas, Rt. Hon. A. Akers-
Fell, Arthur
Ferguson, R. C. Munro
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Harrison-Broadley, H. B.
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hills, J. W.
Hunt, Rowland
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Lonsdale, John Brownlee
Meysey-Thompson, E. C.
Moore, William
Nield, Herbert
Pease,HerbertPike (Darlingt'n)
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson, John Frederick Peel
Roberts, S. (Sheffield, Ecclesall)
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Starkey, John R.
Staveley-Hill, Henry (Staff'sh.)
Talbot, Lord E. (Chichester)
Thomson,W.Mitchell-(Lanark)
Tuke, Sir John Batty
Valentia, Viscount
Walker, Col. W.H.(Lancashire)
Younger, George

TELLERS FOR THE NOES—Mr. Mason and Mr. Abel Smith.

Amendment proposed to the Bill—

> "In page 14, line 33, at end, to insert the words 'and shall be read and construed accordingly with the necessary modifications.'"—(*Mr. Sinclair.*)

Question, "That those words be there inserted," put, and agreed to.

MR. COCHRANE, in moving to omit Clause 21 (Transfer of powers and duties) said he wished to ask the Solicitor-General for Scotland whether he could give some more information in regard to the Land Court than the House had yet had. It would be very convenient if the hon. and learned Gentleman could give the names of the gentlemen whom it was proposed to appoint to the Land Court. When the Irish Land Act of 1881 was under discussion Mr. Gladstone acceded to the request of the late Lord Randolph Churchill that the names of the Land Commission should be inserted in that Act. He wished to know where the Land Court was to be located. Was it to be situated in Edinburgh or in Glasgow? But even a bigger question than that was the formation of the Land Court and its powers. As he understood it the senior member was to be a barrister of ten years standing, and there were to be five other members selected for other reasons. They were to have full power and jurisdiction to hear and decide all matters of law and fact without appeal. Their powers were of a very drastic character, and no other Court had power to interfere with the proceedings of the Land Court. It was true that they might state a special case for the opinion of another Court on a point of law which arose, but that was the only way of appeal. The Court might delegate their powers to any one of its members, and in that case the only appeal was to the Land Court itself, three members of which might form a quorum. He thought he had said sufficient to show that the constitution of the Land Court and its powers required some explanation. He begged to move.

Amendment proposed—

"In page 15, line 27, to omit Clause 21."—(*Mr. Cochrane.*)

Question proposed, "That the words of the clause down to the word 'may,' in page 15, line 36, stand part of the Bill."

MR. SINCLAIR said it would be premature at this stage to announce who would be nominated members of the Land Court. As to the location of the Court, he had no reason to suppose that it would be other than at Edinburgh. Explaining the Amendments appearing on the Paper, the right hon. Gentleman said there was no appeal from the decisions of the Land Court on question of fact, but there was a discretion given to the Court to state a case on points of law if they thought fit. In response to criticisms in Committee, he now proposed to modify this by providing that the Land Court "shall on the request of any party if they consider the request reasonable" state a case on points of law. Another of the Amendments which he had put down would enact that three members of the Land Court should form a quorum. A further Amendment referred to the subsection giving a power to review by three or more members of the Land Court any order or determination arrived at by one or two delegated members, in regard to which he proposed to provide that such Court of Review, if consisting of three members, should include, "not more than one member who was a party to such order or determination." By this means the Government provided that there should always be a majority of the Court of Appeal who had not heard the case in the first instance.

SIR HENRY CRAIK said his objection to have this proposal was that if one man gave a decision he was pledged to the decision which he had already given, and the proposal of the Secretary for Scotland practically amounted to this, that two members of the Court of Review would be balanced against another member.

MR. SINCLAIR said he had explained that the Court should consist of three members not more than one of whom was a party to the original determination.

SIR HENRY CRAIK said it was not a Court of Appeal. In that case the Court of Appeal would be equally divided. He desired that in that Court there should be a majority. To begin with, they should have a majority without any prejudice one way or the other. He, however, understood that the right hon. Gentleman proposed to meet that objection.

VISCOUNT HELMSLEY said this was the first time that the question of the Land Court had come up for discussion in the House. It was not discussed in Committee and was closured on Report. The right hon. Gentleman seemed to think he had met their views in the matter by the first Amendment he had down upon the Paper. But the right hon. Gentleman was to consider the words of the Irish Act of 1887 and see whether they could not be adopted. He would also like to know what reason the right hon. Gentleman had for putting in this particular form of words instead of "unless the action was frivolous or vexatious," which in his opinion, were much better words. The Court of Appeal were quite likely to start with the assumption that an appeal from their decision was unreasonable, because if they had not thought their decision was reasonable they would not have given it.

MR. SINCLAIR said he was advised that the words he had proposed had exactly the same significance and were proper for this purpose. He reminded the hon. Member that he gave no pledge to accept any particular form of words. He pledged himself to meet the spirit of the words.

Question put.

The House divided:—Ayes, 258; Noes, 65. (Division List No. 393.)

AYES.

Abraham, William (Rhondda)
Adkins, W. Ryland D.
Ainsworth, John Stirling
Alden, Percy
Allen,A.Acland (Christchurch)
Ashton, Thomas Gair
Asquith,Rt.Hn.HerbertHenry
Astbury, John Meir
Baker,JosephA.(Finsbury, E.)
Balfour, Robert (Lanark)
Baring,Godfrey(Isle of Wight)
Barlow, Sir John E. (Somerset)
Barnes, G. N.
Barran, Rowland Hirst
Barry,RedmondJ.(Tyrone,N.)
Beale, W. P.
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn,SirJ.Williams(Devonp'rt
Benn,W.(T'w'rHamlets,S.Geo.
Berridge, T. H. D.
Bethell,SirJ.H.(Essex,Romf'rd
Bethell, T. R. (Essex, Maldon
Bottomley, Horatio
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brunner,J.F.L.(Lancs.,Leigh)
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Burt, Rt. Hon. Thomas
Byles, William Pollard
Carr-Gomm, H. W.
Causton,Rt.Hn.RichardKnight
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Cooper, G. J.
Corbett,CH(Sussex,E.Grinst'd
Cornwall, Sir Edwin A.
Cowan, W. H.
Cox, Harold
Craig,HerbertJ.(Tynemouth)
Cremer, Sir William Randal
Crooks, William
Crosfield, A. H.
Dalziel, James Henry
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dewar,SirJ.A.(Inverness-sh.)
Dickinson,W.H.(St.Pancras,N.
Dilke, Rt. Hon. Sir Charles
Duckworth, James

Duncan,C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Fiennes, Hon. Eustace
Findlay, Alexander
Foster, Rt. Hon. Sir Walter
Freeman-Thomas, Freeman
Fuller, John Michael F.
Furness, Sir Christopher
Gibb, James (Harrow)
Gill, A. H.
Gladstone,Rt.Hn.HerbertJohn
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Gulland, John W.
Gurdon,RtHn.SirW.Brampton
Haldane, Rt. Hon. Richard B.
Hardy, George A. (Suffolk)
Harmsworth,R.L.(Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey,W.E.(Derbyshire,N.E.
Harwood, George
Haslam, Lewis (Monmouth)
Haworth, Arthur A.
Hazel, Dr. A. E.
Hazleton, Richard
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson,J.M. (Aberdeen,W.)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hodge, John
Holden, E. Hopkinson
Holland, Sir William Henry
Hope, John Deans (Fife, West)
Horniman, Emslie John
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Illingworth, Percy H.
Jacoby, Sir James Alfred
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones,SirD.Brynmor(Swansea)
Jones, Leif (Appleby)
Jones,William (Carnarvonshire
Kearley, Hudson E.

Kekewich, Sir George
Kelley, George D.
King,Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lambert, George
Lamont, Norman
Leese,SirJosephF.(Accrington
Lehmann, R. C.
Lever,A.Levy(Essex,Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Macdonald, J. R. (Leicester)
Macdonald,J.M.(FalkirkB'ghs
Maclean, Donald
Macnamara, Dr. Thomas J.
Macpherson, J. T.
MacVeigh,Charles(Donegal,E.)
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Killop, W.
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Markham, Arthur Basil
Marks,G.Croydon(Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Molteno, Percy Alport
Montgomery, H. G.
Mooney, J. J.
Morrell, Philip
Morton, Alpheus Cleophas
Murphy, John (Kerry, East)
Murray, James
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Newnes, Sir George (Swansea)
Nicholson,CharlesN.(Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Donnell, C. J. (Walworth)
Paulton, James Mellor
Pearce, Robert (Staffs, Leek)
Pearce, William (Limehouse)
Pearson,SirW.D.(Colchester)
Pearson,W.H.M.(Suffolk,Eye)
Philipps, Owen C. (Pembroke)
Pirie, Duncan V.
Pollard, Dr.
Price,C.E.(Edinburgh,Central)
Priestley,W.E.B.(Bradford,E.)

Radford, G. H.
Rainy, A. Rolland
Raphael, Herbert H.
Rea, Russell (Gloucester)
Richards,T.F.(Wolverh'mpt'n
Richardson, A.
Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson,SirG.Scott(Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Roe, Sir Thomas
Rogers, F. E. Newman
Rose, Charles Day
Rowlands, J.
Russell, T. W.
Scott,A.H.(Ashton under Lyne
Sears, J. E.
Seddon, J.
Seely, Colonel
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick B.)
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Sutherland, J. E.
Taylor, Austin (East Toxteth)
Taylor,TheodoreC.(Radcliffe)
Thomas,SirA.(Glamorgan,E.)
Thompson,J.W.H.(Somerset,E
Tomkinson, James
Torrance, Sir A. M.
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walton,Sir John L. (Leeds, S.)
Walton, Joseph (Barnsley)
Wardle, George J.
Waring, Walter
Wason,JohnCathcart(Orkney)
Waterlow, D. S.
Watt, Henry A.
Weir, James Galloway
White, George (Norfolk)
White, J. D. (Dumbartonshire)
White, Luke (York, E.R.)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax)
Whittaker, Sir Thomas Palmer
Williams,Llewelyn(Carmarth'n
Wills, Arthur Walters
Wilson,Hon.C.H.W.(Hull,W.)
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid.)
Wilson, J. H. (Middlesbrough)
Wilson,J.W.(Worcestersh., N.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Wood, T. M'Kinnon

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A Pease.

NOES.

Acland-Hood,RtHn.SirAlex.F.
Anstruther-Gray, Major
Balfour,RtHn.A.J.(CityLond.)
Banbury, Sir Frederick George
Barrie, H. T. (Londonderry,N.)
Beach,Hn.MichaelHughHicks
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Butcher, Samuel Henry
Castlereagh, Viscount
Cave, George
Cavendish,Rt.Hon.VictorC.W.
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone,E.)
Cochrane, Hon. Thos. H. A. E.
Corbett,A.Cameron(Glasgow)
Corbett, T. L. (Down, North)
Craik, Sir Henry
Dalrymple, Viscount
Douglas, Rt. Hon. A. Akers-
Faber, George Denison (York)
Fell, Arthur
Ferguson, R. C. Munro
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Harrison-Broadley, H. B.
Hill,SirClement (Shrewsbury)
Hills, J. W.
Hunt, Rowland
Keswick, William
Kimber, Sir Henry
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Law, Andrew Bonar (Dulwich)
Lonsdale, John Brownlee
Lyttelton, Rt. Hon. Alfred
Mason, James F. (Windsor)
Meysey-Thompson, E. C.
Moore, William
Muntz, Sir Philip A.
Nield, Herbert
Pease,HerbertPike(Darlington
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson,JohnFrederickPeel
Roberts,S.(Sheffield,Ecclesall)
Rutherford, John (Lancashire)
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Sheffield,SirBerkeleyGeorgeD.
Stanley,Hon.Arthur(Ormskirk
Starkey, John R.
Staveley-Hill, Henry (Staff'sh.
Talbot, Lord E. (Chichester)
Thomson,W.Mitchell-(Lanark)
Tuke, Sir John Batty
Valentia, Viscount
Walker,Col.W.H.(Lancashire)
Wyndham, Rt. Hon. George
Younger, George

TELLERS FOR THE NOES—Mr. Abel Smith and Viscount Helmsley.

And, it being half-past Ten of the clock, Mr. SPEAKER proceeded, pursuant to the Order of the House of 5th August, successively to put forthwith the Question upon any Amendments moved by the Government, of which notice had been given.

Amendments proposed—

"In page 15, line 36, after the word 'fit,' to insert the words 'and shall on the request of any party if they consider the request reasonable.'"

"In page 16, line 3, after the word 'case,' to insert the words 'without prejudice to the provisions of Section 24 of the Act of 1886.'"

"In page 16, line 13, at beginning, to insert the words 'Three members of the Land Court shall be a quorum: Provided that.'"

"In page 16, line 20, after the word 'Court,' to insert the words 'including where such court of review consists of three members not more than one member who was a party to such order or determination'"

"In page 16, line 35, to leave out from the word 'holding,' to end of line 36, and to insert, '(3) A person shall not be held an existing yearly tenant or a qualified leaseholder under this Act in respect of.'"

"In page 17, line 1, after the word 'land,' to insert the words '(exclusive of any common pasture or grazing land held or to be held therewith).'

"In page 17, line 5, at end of line, to insert the words 'the home farm of any estate or of.'

"In page 17, line 8, at end of line to insert the words 'being permanent grass park held for the purposes of a business or calling not primarily agricultural or pastoral, including that of butcher, cattle-dealer, and the like, or.'

"In page 17, line 23, at end, to add the words, '(4) A person shall not be admissible to registration as a new holder under this Act in respect of any land referred to in Paragraphs (*b*), (*d*), (*e*), (*g*), or (*i*), or, except by agreement, in respect of any land referred to in Paragraphs (*a*), (*c*), (*f*), or (*h*) of the immediately preceding subsection.'

"In page 17, line 24, to leave out the words 'the immediately preceding sub-section,' and to insert the words 'this Act.'

"In page 17, line 26, after the word 'holding,' to insert the words '(whether by agreement or otherwise in either case).'"

"In page 17, line 31, to leave out from the word 'leaseholder,' to the first word 'of,' in line 32, and to insert the words 'within the meaning.'"

Amendments agreed to.

Amendment proposed—

"In page 18, line 5, at end, to insert the words, 'The provisions of Section 2 of this Act shall extend to and include joint-tenants being existing crofters, existing yearly tenants, or qualified leaseholders; but not more than one person shall be registered as a new holder in respect of any holding and (without prejudice to the continuance of a joint tenancy through statutory successors) where at any time after the commencement of this Act a holding is held by a single landholder or a holding which has been held in joint tenancy ceases to be so held it shall not be competent for more than one person to be a landholder in respect of such holding.

"Except so far as may be inconsistent with any express provision of this Act the tenancy of a landholder under the Landholders Acts shall, in the case of every existing crofter, be deemed to be in all respects a continuance of his tenancy as a crofter under the Crofters Acts, and all contracts and other deeds and documents shall be read and construed accordingly.'"—(*Mr. Sinclair.*)

Question put, "That the Amendment be made."

The House divided:—Ayes, 255; Noes, 63. (Division List No. 394.)

AYES.

Abraham, William (Rhondda)
Adkins, W. Ryland D.
Ainsworth, John Stirling
Alden, Percy
Allen, A. Acland (Christchurch)
Ashton, Thomas Gair
Asquith, Rt. Hon. Herbert Henry
Astbury, John Meir
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barnes, G. N.
Barran, Rowland Hirst
Barry, Redmond J. (Tyrone, N.)
Beale, W. P.
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn, Sir J. Williams (Devonp'rt
Benn, W. (T'w'r Hamlets, S. Geo.
Berridge, T. H. D.
Birrell, Rt. Hon. Augustine
Bottomley, Horatio
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brunner, J. F. L. (Lancs., Leigh)
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Burt, Rt. Hon. Thomas
Byles, William Pollard
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Cooper, G. J.
Corbett, C H (Sussex, E. Grinst'd)
Cornwall, Sir Edwin A.
Cowan, W. H.
Craig, Herbert J. (Tynemouth)
Cremer, Sir William Randal
Crooks, William
Crosfield, A. H.
Dalziel, James Henry
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dewar, Sir J. A. (Inverness-sh.)
Dickinson, W. H. (St. Pancras, N.
Dilke, Rt. Hon. Sir Charles
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Fiennes, Hon. Eustace
Findlay, Alexander
Foster, Rt. Hon. Sir Walter
Fuller, John Michael F.
Furness, Sir Christopher
Gibb, James (Harrow)
Gill, A. H.
Gladstone, Rt. Hn. Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Gulland, John W.
Gurdon, Rt Hn. Sir W. Brampton
Haldane, Rt. Hon. Richard B.
Hardy, George A. (Suffolk)
Harmsworth, R. L. (Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey, W. E. (Derbyshire, N. E.
Harwood, George
Haslam, Lewis (Monmouth)
Haworth, Arthur A.
Hazel, Dr. A. E.
Hazleton, Richard
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hobart, Sir Robert
Hodge, John
Holden, E. Hopkinson
Holland, Sir William Henry
Hope, John Deans (Fife, West)
Horniman, Emslie John
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Illingworth, Percy H.
Jacoby, Sir James Alfred
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)

Jones,SirD.Brynmor(Swansea)
Jones, Leif (Appleby)
Jones,William(Carnarvonshire)
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lambert, George
Lamont, Norman
Leese,SirJoseph F.(Accrington)
Lehmann, R. C.
Lever,A.Levy(Essex,Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fowness
Macdonald, J. R. (Leicester)
Macdonald,J.M.(FalkirkB'ghs)
Maclean, Donald
Macnamara, Dr. Thomas J.
Macpherson, J. T.
MacVeagh,Jeremiah (Down, S.
MacVeigh,Charles (Donegal,E.)
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Killop, W.
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Markham, Arthur Basil
Marks,G.Croydon(Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Molteno, Percy Alport
Montgomery, H. G.
Mooney, J. J.
Morrell, Philip
Morton, Alpheus Cleophas
Murphy, John (Kerry, East)
Murray, James
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Newnes, Sir George (Swansea)
Nicholson,CharlesN.(Doncast'r
Nolan, Joseph
Norton, Capt. Cecil Williams
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Donnell, C. J. (Walworth)
Pearce, Robert (Staffs, Leek)
Pearce, William (Limehouse)
Pearson, Sir W. D. (Colchester)
Pearson,W.H.M.(Suffolk,Eye)
Philipps, Owen C. (Pembroke)
Pirie, Duncan V.
Pollard, Dr.
Price, C. E. (Edinb'gh,Central)
Priestley,W.E.B.(Bradford,E.)
Radford, G. H.
Rainy, A. Rolland
Raphael, Herbert H.
Rea, Russell (Gloucester)
Richards, T. F.(Wolverh'mpt'n
Richardson, A.
Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson,SirG.Scott(Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Roe, Sir Thomas
Rogers, F. E. Newman
Rose, Charles Day
Rowlands, J.
Russell, T. W.
Scott,A.H.(Ashton under Lyne
Sears, J. E.
Seddon, J.
Seely, Colonel
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick, B.)
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Sutherland, J. E.
Taylor, Austin (East Toxteth)
Taylor,TheodoreC.(Radcliffe)
Thomas,SirA.(Glamorgan,E.)
Thompson,J.W.H.(Somerset,E
Tomkinson, James
Torrance, Sir A. M.
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walton, Sir John L. (Leeds, S.)
Walton, Joseph (Barnsley)
Wardle, George J.
Waring, Walter
Wason,JohnCathcart(Orkney)
Waterlow, D. S.
Watt, Henry A.
Weir, James Galloway
White, George (Norfolk)
White, J. D. (Dumbartonshire)
White, Luke (York, E. R.)
White, Patrick (Meath, North)
Whitley,John Henry (Halifax)
Whittaker, Sir Thomas Palmer
Williams,Llewelyn(Carmarth'n
Wills, Arthur Walters
Wilson,Hon.C.H.W.(Hull,W.)
Wilson, Henry J.(York.W.R.)
Wilson,John(Durham, Mid.)
Wilson, J. H. (Middlesbrough)
Wilson,J.W.(Worcestersh.N.)
Wilson, P.W.(St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Wood, T. M'Kinnon

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Balfour,RtHn.A.J. (City Lond.
Banbury, Sir Frederick George
Barrie, H. T. (Londonderry, N.
Beach,Hn.Michael Hugh Hicks
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Butcher, Samuel Henry
Castlereagh, Viscount
Cave, George
Cavendish,Rt.Hon.VictorC.W.
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone, E.)
Cochrane, Hon. Thos. H. A. E.
Corbett, A. Cameron (Glasgow)
Corbett, T. L. (Down, North)
Craik, Sir Henry
Dalrymple, Viscount
Douglas, Rt. Hon. A. Akers-
Faber, George Denison (York)
Fell, Arthur
Ferguson, R. C. Munro
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Harrison-Broadley, H. B.
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hills, J. W.
Hornby, Sir William Henry
Hunt, Rowland
Keswick, William
Kimber, Sir Henry
Lambton, Hon. Frederick Wm
Lane-Fox, G. R.
Law, Andrew Bonar (Dulwich)
Lonsdale, John Brownlee
Lyttelton, Rt. Hon. Alfred
Mason, James F. (Windsor)
Meysey-Thompson, E. C.
Moore, William
Muntz, Sir Philip A.
Nield, Herbert
Pease,Herbert Pike(Darlington
Rawlinson,JohnFrederick Peel
Roberts,S. (Sheffield,Ecclesall)
Rutherford, John (Lancashire)
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Sheffield,Sir Berkeley GeorgeD.
Smith, Abel H. (Hertford, East
Stanley,Hon. Arthur(Ormskirk
Starkey, John R.
Staveley-Hill, Henry (Staff'sh.
Talbot, Lord E. (Chichester)
Thomson, W. Mitchell-(Lanark
Tuke, Sir John Batty
Walker, Col. W. H. (Lancashire
Wyndham, Rt. Hon. George
Younger, George

TELLERS FOR THE NOES—Sir Alexander Acland-Hood and Viscount Valentia.

Amendments proposed—

"In page 19, line 36, to leave out the words 'immediately before,' and insert the word 'at.'"

"In the Schedule, page 21, column 3, line 24, to leave out the word 'legatees,' and insert the word 'Act.'

"In the Schedule, page 21, column 3, line 26, at end, to insert the words 'section twenty-four from "and it," to end of section.'"—(*Mr. Sinclair.*)

Amendments agreed to.

Bill to be read the third time To-morrow, and to be printed. [Bill 307.]

RENFREWSHIRE UPPER DISTRICT (EAST WOOD AND MEARNS) WATER BILL [LORDS] (BY ORDER).

As amended, considered.

*MR. CLELAND (Glasgow, Bridgeton) moved an Amendment to provide that certain lands or premises should, for the purposes of the domestic water rate to be imposed and levied, be held to be one-fourth of the annual value thereof entered in the valuation roll. He said he did not propose the Motion of which he had given notice, that the Bill be read that day three months, because he felt that when a Bill had been impartially and exhaustively considered by Committees of both Houses it would not be respectful for a Member of this House to take that course, however strongly he felt on the question as representing a portion of the district which was likely to be prejudicially affected by the Bill. For himself he was prepared to accept the decision of the Committee upstairs, and he was not animated by any hostility to the principle of the Bill, which was that the county council of Renfrew was the body which ought to have the water supply in their hands. What he asked was to add to the Bill a new clause which would carry out the existing, he might say the invariable, practice in regard to the rating of railways and tramways, canals, or basins of canals, etc. In the case of drawing out a scheme of a water district such as this, there were two methods of procedure, by which the promoters might elect to make good their case. They might proceed under the Public Health Act, and appear before the sheriff with their evidence. The sheriff would then delimit the area which he considered a proper and suitable area for water supply; or they might elect to proceed by Act of Parliament or Provisional Order. The promoters of this Bill had chosen the latter course in their wisdom. In England tramways did not pay anything in the nature of water rates, but in Scotland a precedent had grown up by which tramways were rated at 25 per cent. of the annual value thereof entered into the valuation roll. Attempts had been made to equalise the law of Scotland with that of England, but those whom he represented did not seek to do that. Their desire was to preserve unbroken the practice of rating tramways which passed through their districts at a fourth of the value appearing in the valuation roll. The precedents for the clause which he proposed were in the Borough Police Act, the Dunfermline Act, the Melrose District Water Order, the East Stirlingshire Water Order, etc. It would, he thought, require very strong arguments before these precedents could be overthrown by a private Bill. He had been told that the Renfrewshire County Council had treated the tramways of Glasgow in an exceedingly generous way, by charging them no way-leave; but that example had also been followed by Dumbartonshire and Lanarkshire. Through the excellent electric tramway service those counties had reaped enormous benefit, because it had taken the people out of the crowded cities and placed them in the surrounding counties. They also benefited because the corporation maintained the whole of the tramway track and eighteen inches on either side, which was no small consideration. The whole community had reaped the benefit, including Glasgow, which he regretted to say had more congestion of population than any other city in Great Britain. In Glasgow the congestion in the densely populated districts had been relieved, more especially in the east of the city, where thousands had been taken out of the slums and planted amid the fresh air of the surrounding counties. When a county council came forward with a proposal to penalise a municipality and a private company by putting on them

75 per cent. additional rating value, that county council ought to make out a very strong case indeed. The case for the county council was that it followed the precedent of the Public Health Act of 1891. That was with regard to rating, but he wished to point out that there was one significant exception, and it was that for the first time they made an exemption for rating purposes for all sporting lands within this water district area. If they had to choose between relieving tramways and locomotion and the taxing of sporting lands he would tax the latter to their fullest extent, in order to relieve congestion in the urban districts. That this additional 75 per cent. of rateable value would seriously affect the development of tramway systems in the future and militate against their extension there could be no two opinions amongst those who had had any practical experience. He begged to move.

*MR. BARNES (Glasgow, Blackfriars) said that after the full statement of the case made by the hon. Member for the Bridgeton division it was unnecessary for him to detain the House for more than two or three minutes in seconding this Amendment. The precedents of other undertakings had been quoted, but no reference had been made to the precedent in this Bill under which it was sought to exempt sporting lands. He did not make any point of that further than drawing the contrast. He asked the House to note that an attempt was being made to buy the county interests and an onslaught was contemplated upon Glasgow and elsewhere. In addition to penalising all the undertakings which the hon. Member for the Bridgeton division had enumerated, it also penalised the poorer classes of the community, and it was to that aspect of the question that he invited the attention of the House. They had heard a great deal about the housing of the working classes, and there was a general concurrence of opinion amongst social reformers that one of the best methods of dealing with the problem was to have the greatest possible facilities for communication between one part of a town and another. Anything that put an additional burden upon the tramway systems and prevented the freest possible outlet being provided for the people in the heart of our great cities was a step in the wrong direction. The Glasgow Corporation were willing by this Amendment to be assessed up to one-quarter of their value, a practice which had been sanctioned by Parliament ever since 1848, throughout the country. If the precedent of assessing tramways at their full value was set up in this Bill it would have a most injurious effect upon tramway undertakings not only in Glasgow but in other places. He asked the House to prevent this Bill being passed in its present form, and he hoped the decision of the Committee would be reversed.

Amendment proposed to the Bill—

"In page 6, line 8, at end, to insert the words 'Provided that the annual value of the following lands or premises shall, for the purposes of the domestic water rate to be imposed and levied under this Act, be held to be one-fourth of the annual value thereof entered in the valuation roll, viz. :—(1) All lands and premises used exclusively as a canal or basin of a canal or towing path for the same, or as a railway or tramway, excepting the stations, depots, and buildings which shall be assessable to the same extent as other lands and premises within the limits of supply; (2) All water works, gas works, electric power or electric supply works, and underground or other pipes of any water company, gas company, electric power or electric supply company, corporation, or commissioners; and (3) All mines, minerals, and quarries.' "—(*Mr. Cleland.*)

Question proposed, "That those words be there inserted."

MAJOR SEELY (Liverpool, Abercromby) said that as the Chairman of the Committee which considered this matter, he hoped the House would pardon his intervention. It was claimed that the Borough Police Act provided a precedent for this Amendment. Apparently the hon Member who made that statement was not acquainted with the fact that the whole point was that there was a completely different system of rating in counties and in burghs in Scotland. The Committee in both Houses had to pay attention to what was the general law in Scotland, and therefore no new precedent was set up in this Bill at all, because it followed the precedent of the law of the land. Under the Public Health (Scotland) Act, 1897, all lands and hereditaments were assessable at their full rate. The precedents of Lanarkshire (Middle District), Melrose, and the Dunfermline Act had been quoted. In the Lanarkshire case no county council had a locus before a Committee of this House, and they were obliged to agree to any terms that might have been imposed upon them by the parties with whom they were dealing. The same argument applied to the precedents of Melrose and Dunfermline. The point at issue was that the tramways should be rated at one-fourth. It was plain that when a poor county came before this House, possibly opposed by a very wealthy corporation, they had a serious responsibility thrown upon them. Nobody could deny that Glasgow had carried out these matters exceptionally well, notably their water affairs. The Corporation of Glasgow were fully entitled to oppose this clause, but they were not entitled to say it created or established a precedent. On the contrary it was in accordance with precedent. If any county of Scotland came before Parliament and asked for a water scheme they were entitled under the Public Health Act of 1897 to have these tramways rated to the full. With the question of whether it was fair the Committee had nothing to do. They had only to consider what the Public Health Act of Scotland said. In this Bill he respectfully suggested that the House had only to consider the general law of Scotland. This question did not rest on the decision of the Committee of which he had the honour to be the Chairman. They had the unanimous decision also of a Committee of the other place, and none of the public departments had anything to say in opposition to this or any other clause in the Bill. It was suggested that this matter was not brought before the Committee, but that Committee sat for eight days and no one could dispute the fact that the Bill was very fully considered, and that this part was one of those most fully considered. In addition to this there was the Renfrew County Council itself and the district council also which were unanimous in their support of the scheme, as being a just scheme. With regard to the clause as to sporting rights and the suggestion that the interests of the poor would be jeopardised by the sporting rights, he might mention that there were no sporting rights and that that question was never raised in Committee by the opponents of the Bill. If the opposition to the sporting rights was seriously considered he thought the clause was one that should not stand. He did not strike it out, because the Committee were not asked to do so. He thought the House would be wise to strike it out because it was valueless and was only put in because of an old precedent. With regard to the question of principle raised by the hon. Member opposite that if the tramways were rated at their full value the outward flow from the city to the suburbs would be checked and overcrowding increased, there was an answer to that. The first was that the Secretary for Scotland might possibly undertake that this should be dealt with in a general law. But with regard to specific cases the arguments were all the other way. The whole problem which the Committee had to decide was the question of levels—the question of getting the water to the higher level where there was a shortage of supply. Glasgow towards the north rose more or less sharply; therefore, though there was an ample supply from Loch Katrine in the levels of 200 feet, there was a shortage in the higher level. The Glasgow Corporation had recognised this by bringing forward a very reasonable and proper proposal to supplement their scheme by making a high level supply for a certain village called Eaglesham, which was at a level of 600 feet. If they threw out the Bill, which he thought might be expected if this Amendment were passed—he might be wrong, but he had been told so, although this was a very small sum to Glasgow, £550, yet it made a great difference to a poor county like Renfrew—if they threw the Bill out, they would be preventing the expansion of Glasgow in the best way; they would confine it to the low-lying levels. The object of the Committee was to have regard to the general law and public policy. They had followed the general law in the matter of rating. That was not in dispute; and in regard to public policy, he and his colleagues on the Committee believed that by securing a supply at the high level of 750 feet as compared with 200 feet they would enable the district to spread out naturally and normally, without being concentrated in the lower levels. It would be improper to urge the House to decide one way or the other, but he had given what information he could in regard to a complicated matter, which it was difficult to understand without the aid of the maps and plans which were before the Committee. He trusted the House would consider the difficulty of conducting private Bill procedure unless some regard was paid to evidence given on oath. The Committee were quite unanimous in their decision, and in the highest interests of Glasgow as well as of the county of Renfrew they sincerely believed that the House would be acting rightly in passing the Bill.

*MR. WOOD (Glasgow, St. Rollox) said the hon. and gallant Gentleman had sympathetically compared the poor county council of Renfrew with the rich corporation of Glasgow, but the House would be less sympathetic when they learned that the poor county council had had an opportunity of obtaining water from Glasgow at a rate of 10d. in the £, but had preferred to obtain water for itself at a rate of 1s. 6d. in the £. It was a singular fact that the majority of the ratepayers in Renfrewshire or in the district concerned, representing the majority of the rateable value, were opposed to this Bill. So he thought they might dismiss that argument and deal with the question of rating on its merits. He entirely agreed that this matter raised a great question of public policy. Every Member of the House agreed that one of the most important means of dealing with overcrowding in our great cities lay in the development of means of communication, and for his part he thought it would be extremely unfortunate if they were to place excessive rates or taxes upon means of communication. In the normal condition of affairs they had to bear quite sufficiently heavy burdens, and there was no doubt that if they increased the burden of rating on tramways, those tramway undertakings would be discouraged. The Corporation of Glasgow, who had done so much to relieve the congestion of that city, and to carry prosperity into the counties outside, would be discouraged in that work. The hon. and gallant Member for the Abercromby division had spoken as if he were bound by the Public Health Act. That was not the case. The county council of Renfrewshire might if they had chosen have proceeded under the Public Health Act, but they had introduced a private Bill. His hon. friend who moved the Amendment had pointed out that all the precedents of private Bill legislation in Scotland were in favour of his contention, and against the decision of the Committee. In many cases there was no charge whatever made on tramways for water. He hoped the House appreciated that this was not a question of rating for Poor Law purposes, but for water purposes. The precedents were not in favour of charging tramways on their full value, but of charging them on a fourth of the value for public supply; and in a great many places there was no charge at all on tramways for domestic supply. In this instance the tramways were of immense benefit not only to Glasgow but to Renfrewshire. What they were dealing with was a new charge put on, not under the Public Health Act, but under a private Bill promoted by the Corporation who wished to purchase certain waterworks and set up a water supply for themselves. They declined to take the cheaper supply offered by Glasgow. Surely that was a matter which the House would consider on its merits. Though the Public Health Act had been cited by the Chairman of the Committee, he had quoted no precedents under that Act. He hoped the House would not put on the tramways a burden for which there was no precedent. Glasgow had taken an extremely moderate attitude in regard to this matter. They were willing to pay a certain amount in respect of the waterworks and the tramways; they were willing to pay the public water rate and also the domestic water rate on a fourth of the value. But they were unwilling to pay the domestic rate on the total value and he hoped the House would not approve of an excessive rating being put upon means of communication.

THE CHAIRMAN OF WAYS AND MEANS (Mr. EMMOTT, Oldham) said it was one of the great difficulties in discussing matters of this kind in the House that side issues were always introduced, and the hon. Member for St. Rollox had mentioned that the Glasgow Corporation had offered to supply this water at the rate of 10d. Perhaps the hon. and gallant Member for the Abercromby Division of Liverpool would correct him if he was wrong, but his information was that Glasgow offered a supply at 1s. 6d. in the first place. When that offer was rejected they made a second offer that in a certain part of the area they would supply the water at cost price, and when that was in turn refused they ultimately said they would supply it at 10d. The Committees of both Houses having heard all the evidence decided to reject all their offers.

MAJOR SEELY said perhaps it would be a convenience to the House if he stated that the offer to supply the water at the 10d. rate only applied to the most favourable part of the district. It only applied to a portion of the district and not to the high levels.

*MR. EMMOTT believed it was applied to a comparatively small area. The hon. Members for Bridgeton and Blackfriars had put their case very eloquently, and the House had heard it stated in a very advantageous form, but he rose to ask the House to support the finding of the Committee in this matter. The Committee of this House sat for eight days and the Committee of the other House sat for seven days, and the finding in each case was absolutely unanimous. This was not a case of a Bill being sent down to Scotland, and the decision being arrived at by the casting vote of the Chairman. There had been two inquiries and there had been no dissentient voice in regard to the findings of the Committee. The Bill had been explained by the hon. Member for the Abercromby Division, and it only remained for him to call attention to the actual Amendment proposed by the hon. Member for Bridgeton. The proposal was that railways and mines and quarries were to be relieved as well as tramways. As to the railways, the Caledonian Railway was the principal railway affected, and was a strong supporter of the Bill. That disposed of railways. As to mines, minerals, and quarries, hon. Members were misinformed. He believed that if such a course as was suggested by the Amendment were adopted it would create a disastrous state of things in such counties as Lanarkshire and Linlithgowshire. Such a plan would relieve the rich men at the expense of the poor men, and when the hon. Member for Blackfriars dwelt so eloquently upon the effect of the Amendment on the housing question he must point out that his proposal would relieve the rates of Glasgow and add to the rates of Renfrewshire. He was glad to know that the Glasgow tramways were a profitable undertaking and that the profits went in relief of rates, but that fact did not give them a claim for relief outside the City boundary. He concluded as he had begun by appealing to the House to support the finding of the Committee.

MR. A. C. CORBETT (Glasgow, Tradeston) said the Chairman of Committees had made a statement to the effect that the Glasgow tramways made a profit which went in reduction of rates. That was not so, as the profit went to a reserve fund. The hon. Member who was Chairman of the Committee had alluded to Renfrewshire six times as a poor county. Renfrewshire was not a poor county, but on the contrary it was exceedingly prosperous.

MAJOR SEELY said he alluded to Renfrewshire as a poor county relatively to Glasgow, and while this matter was of great importance to Renfrewshire it was of little importance to Glasgow.

MR. A. C. CORBETT said that while in the aggregate Glasgow was rich, there were parts of the city where there was a great deal of poverty. He held that the poor ratepayers had to be considered as much as the wealthier who lived in adjoining districts. Allusion had been made to the fact that different authorities had been arrayed against Glasgow, and mention had been made of the House of Lords. But hon. Members knew very well that when the opponents of a Bill went before a Committee of the House of Lords or a Committee of this House for the purpose of having it thrown out, they were advised not to discuss the clauses. When Glasgow was defeated on the main issue, the clauses were not discussed. It had been said that the Public Health Act governed this question of rating, but he would point out that the provisions of that statute had not been followed in this case. In certain circumstances special arrangements could be made for a limited rate under that Act, but the promoters of this scheme deliberately chose not to avail themselves of the provisions of the Public Health Act. They came to Parliament and threw upon it the responsibility for their proposal, and that was a responsibility which Parliament could not refuse to accept, in passing or rejecting the proposal. Reference had been made from time to time by hon. Members in all parts of the House to the housing problem and the necessity of easier communication. When a municipality carried tramways beyond its boundaries it made a considerable sacrifice because it carried the population beyond its rating area. There was, therefore a certain sacrifice of rates, and if in addition to that Parliament was going for the first time to rate tramways upon their whole rateable value it would do a great deal to prevent that free expansion of the population which had so much to do with the health and happiness of the community.

MR. WATT (Glasgow, College), in supporting the Amendment, stated that at the present moment the tramways in the district of Renfrewshire with which they were dealing did not pay any water rate whatever, either public or domestic. To have that settled practice altered, by a Committee consisting of four Members of the House of Lords and four Members of the House of Commons—good men though they might be—was unusual. There had been twenty-four Acts passed by this House during the last forty years, and in none of them was there provision for the rating of tramways for domestic water supply on the full assessable value. If the tramways did not use water, it would, for that reason, be unfair that the tramways in Renfrewshire belonging to the City of Glasgow should be rated to even a quarter of their assessable value. It was unfair that they should be so rated. It was more than unfair; it was absurd in the highest degree that they should be rated on the full assessable value as this Bill suggested. Another point had relation to the question of the waterworks which were to be acquired by the county of Renfrew and which at the present moment were exempted by statute from rating. He ventured to think that this was a most important factor. Under this Bill Gorbals Waterworks, which belonged to the Corporation of Glasgow, and which were situated in Renfrewshire, were to be rated to their full assessable value. These two facts, if borne in mind by the House, should lead Members to support the City of Glasgow.

MR. J. W. WILSON (Worcestershire, N.) said he did not rise to discuss the merits or demerits of the question. The hon. Member had truly said that the House was responsible for Bills which came before Committees, but it should be remembered that a Committee to which a Bill was referred called evidence, examined witnesses on oath, and went exhaustively into the questions involved. He submitted that if this House was going to set itself up as a judicial authority to revise the decisions, then the kudos and honour for the energy and time which hon. Members gave to the work upstairs would be in some measure lost, and the same attention would not be given in future to the business of Committees. The system had been often criticised, but no one had been able to devise a better. He ventured to submit that the House should think more than twice before it revised a decision like this. They had heard of decisions being revised. They had heard of questions discussed on Second Reading; they had heard of decisions reversed when the Committee upstairs had been divided, or when the respective Houses had been divided; but when they had a question on which two Committees had sat and reported unanimously he submitted that they ought to weigh the evidence very carefully before adopting any decided course. Above all, he would point out to the House that any decision they might come to which overthrew the decision of a Committee upstairs would tend more and more to invite a perfunctory discussion at a late hour of the night on a carefully thought out procedure in Committee. In his opinion that was not a wholesome or a responsible course for the House to take. In the present case they had had eight Members sitting in Committee on the Bill—four from the House of Commons and four from another place. So far the opposition had largely come from the City of Glasgow, and he ventured to submit this question to the House: Who were the more likely to come to a dispassionate decision—the eight Members of the Committee or the representatives of the large Corporation of Glasgow which was earning profits on the trams running into the district which the present Water Bill concerned. He only wished in saying these few words to remind the House of the course it had taken in the past and of the course it would have to take in the future.

*MR. McCRAE (Edinburgh, E.) said he would not have intervened in the debate had it not been for the speech of the hon. Member who had just sat down. The hon. Member had represented this as a dispute between the City of Glasgow and the District of Renfrew. That was hardly a fair position to put to the House, because many Members would have interposed in the debate had it not been for the fact that the hour was rather late, and that Glasgow was entitled first of all to express its view on the matter. He rose for the purpose of saying that he thought it would be very unfortunate if the House should allow its reluctance—a reluctance which he fully appreciated—to interfere with the decision of any Committee to blind it to the fact that if it did not accept the Amendment proposed by the hon. Member for Glasgow it would establish a principle of great importance. It would mean that for the first time, Parliament was going deliberately to say that tramways were to be rated in Scotland at their full value. He endorsed what had been said by the Chairman of the Committee as to the Police Act. But the invariable practice in Scotland was that tramways were only rated at one-fourth of their value in the terms of the Amendment of his hon. friend. If it was said that a different practice obtained in the counties it was the fact for this reason: that up to a recent date there had been no tramways in the counties. The tramways system had been confined to boroughs. In every Act of Parliament except one, which was mentioned by the Chairman of Committees, where a private company was running tramways, Parliament had laid it down as a general practice that tramways should only be rated at one-fourth of their value. If the House that night took the step which was proposed it would have very serious consequences and all future legislation would be affected. Supposing the Amendment were agreed to, the House would not be interfering at all with the decision of the Committee on the main principle of the Bill. The principle concerned a waterworks system for Renfrew. The Committee had conceded that, and on the main principle the supporters of the Amendment did not take exception to the decision which was come to upstairs. All that they said was that the rating clause ought to be in conformity with the general law and practice of Scotland.

MR. SINCLAIR said that this was not a Party question in any sense of the word, and it was not his intention to go into the merits of the Bill. The Chairman of the Committee intervened as a representative of the department in some sense responsible for private Bill legislation in Scotland to indicate any views which the department might hold on the matter. He wished to say at once that naturally, as Secretary for Scotland, he was fully alive to and shared the admiration which had been expressed for the municipal work of the Corporation of Glasgow. In no department of that work was Glasgow more justly well known than in its various housing reforms, with which the question of tramways as a means of transit was most intimately connected. It was the good fortune of Glasgow to be exceptionally favoured in its relations with neighbouring local authorities. With the consent of those authorities it had extended its tramways in various directions with great enterprise and energy. It was of great importance—and he wished to impress this fact on those who were interested in Glasgow—that Glasgow should continue to be on good terms with these neighbouring local authorities. As the House would very well understand he was not able on this Amendment to make any definite statement in regard to legislation. The whole question of local taxation was inquired into in great detail by a Royal Commission some years ago, and a mass of evidence was at the disposal of any Government which desired to take up the task of acting upon it. There might be a good enough case for a change in the law; but what he had to observe on the present occasion was that the Amendment asked the House to sanction a departure from the general law in what, after all, was a Private Bill. It was true, as had been urged during the debate, that in two or three cases a departure from the general law had been obtained by consent; but none the less, it seemed to him that it would be a very serious thing for the House to assent to the Amendment. It would attach great weight—a weight proportionate to the importance of the city of Glasgow among the municipalities of the country—to a precedent, and possibly that would be done on insufficient evidence. It would be giving that weight to a precedent in contradiction of the result arrived at after a careful examination of the Bill by two Parliamentary Committees. He thought if he might respectfully suggest it to the House that too much weight could not be given to the advice tendered to the House by the Chairman of the Committee, and for his own part he must support the Committee in the decision at which it had arrived.

Question put.

The House divided:—Ayes, 71; Noes, 112. (Division List No. 395.)

AYES.

Ainsworth, John Stirling
Allen, A. Acland (Christchurch)
Barrie, H. T. (Londonderry, N.
Beck, A. Cecil
Bowerman, C. W.
Branch, James
Brigg, John
Byles, William Pollard
Collins, Stephen (Lambeth)
Cooper, G. J.
Corbett, A. Cameron (Glasgow)
Corbett, T. L. (Down, North)
Cory, Clifford John
Crosfield, A. H.
Davies, W. Howell (Bristol, S.)
Duncan, C. (Barrow-in-Furness)
Fenwick, Charles
Ferens, T. R.
Fetherstonhaugh, Godfrey
Ffrench, Peter
Gill, A. H.
Glover, Thomas
Goddard, Daniel Ford
Harvey, A. G. C. (Rochdale)
Hazel, Dr. A. E.
Hazleton, Richard
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hudson, Walter
Johnson, John (Gateshead)
Jones, Leif (Appleby)
Kelley, George D.
Lardner, James Carrige Rushe
Luttrell, Hugh Fownes
Macdonald, J. R. (Leicester)
Maclean, Donald
Macpherson, J. T.
MacVeigh, Charles (Donegal, E.
M'Callum, John M.
M'Crae, George
M'Killop, W.
Maddison, Frederick
Mallet, Charles E.
Morrell, Philip
Nolan, Joseph
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
Pollard, Dr.
Priestley, W. E. B. (Bradford, E.)
Radford, G. H.
Rawlinson, John Frederick Peel
Richards, T. F. (Wolverhampton
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'rd
Rowlands, J.
Scott, A. H. (Ashton under Lyne
Sears, J. E.
Shackleton, David James
Sherwell, Arthur James
Shipman, Dr. John G.
Stanley, Hon. Arthur (Ormskirk
Sutherland, J. E.
Wardle, George J.
Waterlow, D. S.
Watt, Henry A.
White, George (Norfolk)
White, J. D. (Dumbartonshire)
Wilson, P. W. (St. Pancras, S.)
Wood, T. M'Kinnon

TELLERS FOR THE AYES—Mr. Cleland and Mr. Barnes.

NOES.

Adkins, W. Ryland D.
Barran, Rowland Hirst
Barry, Redmond J. (Tyrone, N.
Beach, Hn. Michael Hugh Hicks
Beale, W. P.
Beauchamp, E.
Beckett, Hon. Gervase
Berridge, T. H. D.
Birrell, Rt. Hon. Augustine
Brunner, J. F. L. (Lancs., Leigh)
Carr-Gomm, H. W.
Castlereagh, Viscount
Cave, George
Cawley, Sir Frederick
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone, E.)
Chaplin, Rt. Hon. Henry
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clough, William
Cochrane, Hon. Thos. H. A. E.
Corbett, C. H. (Sussex, E. Grinst'd
Craik, Sir Henry
Dalrymple, Viscount
Dewar, Sir J. A. (Inverness-sh.)
Emmott, Alfred
Everett, R. Lacey
Fell, Arthur
Ferguson, R. C. Munro
Fiennes, Hon. Eustace
Findlay, Alexander
Forster, Henry William
Fuller, John Michael F.
Gibbs, G. A. (Bristol, West)
Gladstone, Rt. Hn. Herbert John
Gordon, J.

Grant, Corrie
Haldane, Rt. Hon. Richard B.
Harrison-Broadley, H. B.
Haslam, Lewis (Monmouth)
Haworth, Arthur A.
Helme, Norval Watson
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hills, J. W.
Hodge, John
Illingworth, Percy H.
Kearley, Hudson E.
Lambton, Hon. Frederick Wm.
Lamont, Norman
Lane-Fox, G. R.
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lonsdale, John Brownlee
Lough, Thomas
Lupton, Arnold
Lyell, Charles Henry
Lyttelton, Rt. Hon. Alfred
MacVeagh, Jeremiah (Down, S.)
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Moore, William
Morton, Alpheus Cleophas
Murray, James
Newnes, F. (Notts., Bassetlaw)
Nicholson, Charles N. (Doncaster
Nield, Herbert
Norton, Capt. Cecil William
O'Donnell, C. J. (Walworth)
Paulton, James Mellor
Pearce, Robert (Staffs., Leek)
Pease, Herbert Pike (Darlington)
Pease, J. A. (Saffron Walden
Philipps, Owen C. (Pembroke)
Rainy, A. Rolland
Ridsdale, E. A.
Robinson, S.
Russell, T. W.
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Seely, Colonel
Shaw, Rt. Hon. T. (Hawick B.)
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Smith, Abel H. (Hertford, East)
Staveley-Hill, Henry (Staff'sh.)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Talbot, Lord E. (Chichester)
Taylor, Austin (East Toxteth
Taylor, Theodore C. (Radcliffe)
Thompson, J. W. H. (Somerset, E
Thomson, W. Mitchell-(Lanark)
Verney, F. W.
Waring, Walter
White, Luke (York, E. R.)
Whiteley, George (York, W.R.
Whitley, John Henry (Halifax)
Whittaker, Sir Thomas Palmer
Williams, Llewelyn (Carmarth'n
Wills, Arthur Walters
Wilson, Henry J. (York, WR.)
Wilson, W. T. (Westhoughton)
Wyndham, Rt. Hon. George
Younger, George

TELLERS FOR THE NOES—Mr. J. W. Wilson and Mr. Godfrey Baring.

MR. LAIDLAW (Renfrewshire, E.) moved an Amendment to limit the rate all over the area to 1s. 6d. The Bill, if passed in its present form, now confined the limit of 1s. 6d. to those supplied by the Busby Water Company. It would go very hard on those in outlying districts, particularly farms, if they should be rated at anything up to 3s. It was only just and fair that the rate of 1s. 6d. should equally apply over the whole area.

The Amendment was not seconded.

*MR. MORTON (Sutherland) moved in page 35, line 33, to leave out from the word "grounds" to the end of the section. That, he said, would strike out words which seemed to give some special favours to sporting rights. The Chairman of the Committee which considered the Bill had explained that this would not matter very much financially, but the point he (Mr. Morton) wished to make was that it might be made use of as a precedent. He did not want to do any harm to people with sporting rights, but they ought not to have any special favours, and there ought not to be inserted in any Bill any clause which would create a precedent of that kind in any way. The Chairman of the Committee, before whom the Bill came upstairs, had said distinctly that so far as he knew if the words had been proposed to be struck out in Committee that would have been done. At that hour he would not detain the House further, but would move.

Amendment proposed—

"In page 35, line 33, to leave out the words from the word 'grounds,' to the end of section.'"—(*Mr. Morton.*)

MAJOR SEELY said the words were not essential to the success of the water scheme. They were only part of words taken from other Acts. The House would be well advised to accept the Amendment.

Amendment agreed to.

Bill to be read the third time.

IRISH LAND (No. 2.) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. MOORE (Armagh, N.) said the Second Reading of that Bill had been moved without a single word of explanation from the Minister responsible. If it was really of the importance the Memorandum stated it ought not to come before them at that hour. He and his friends had come to an arrangement with the Government that, when the Bill came up for Second Reading, they would not go to a division. In return for that they were promised that adequate opportunity would be given for discussion of their views. How far the Patronage Secretary considered he was carrying out that arrangement by bringing the Bill forward in that manner he (Mr. Moore) did not know.

MR. GEORGE WHITELEY: I did not give any undertaking.

MR. MOORE: I do not suppose the Minister in charge will deny that there was an understanding with the Member for South Dublin.

THE ATTORNEY-GENERAL FOR IRELAND (Mr. CHERRY, Liverpool, Exchange): I heard nothing whatever of any undertaking.

MR. MOORE said that perhaps it was the Chief Secretary. Where was the Chief Secretary? He (Mr. Moore) did not ask that the Bill should be postponed, but the Patronage Secretary could not, in the circumstances, complain if his friends and he did not carry out their part of the undertaking. The object of the Bill as he understood it—he would like to be corrected if he was wrong—was to deal with certain mineral rights in Ireland. He thought the House had a right to complain that the purpose of the Bill had not been stated by those who were responsible for it. It was rather unusual, and he might be reproached subsequently for it, that the people who were opposed to the Bill should be placed in the position of having to explain its terms. He dealt with the first part of the Bill first. Under the Act of 1903, in certain cases, minerals on an estate which was purchased, were vested in the Land Commission to be then disposed of as the Commission should direct. He thought it was understood that the direction should be contained in the Act, but owing to an oversight, or for some reason or other, the Act became law without containing a precise direction. He might remind the House that the mineral rights of Ireland were a very valuable property, and they ought to watch very carefully how they were disposed of when legislation was required for the purpose. There was in Ireland a body which, of all bodies, would be most suited permanently to deal with this matter, a body which had done a great deal of valuable work. He referred to the Geological Survey. If the matter were English or Scottish nobody in that House would deny, looking at the question impartially, that the Geological Survey, with all the materials they had collected from time to time, with all the knowledge at their disposal, were the proper people to deal with the minerals which had been acquired by the State under the provisions of the Act, because it was not a mere matter of sale or barter, as the Bill itself proved. Under the Bill, prospecting and boring, and experimental assays of that sort, would be carried out throughout the country, and he thought it would have been ordinary common sense if the proposals of the Bill had been to put the prospecting and the working of these minerals, the ascertaining where they were, in what quantities they were, and how they could best be developed, in charge of the Geological Survey. He was aware the Geological Survey had lost its independent existence, that it was now merged in or rather under the control of the Department of Agriculture and Technical Instruction. He supposed that it would be out of order on the Second Reading of the Bill to move an Amendment transferring the obligation and responsibility for working these mineral rights to the Geological Survey, and he merely said that he regretted that the proper persons were not in the first place selected to carry out that work, which really ought to be done by the Geological Department under the control of the Department of Agriculture. The Bill proposed that Land Commission should carry out the work. That might suit the Government very well, and it was perfectly true that by the operation of the Act of 1903 these mineral rights were vested in the Land Commission. But the Government had—he would not use the word concealed—had omitted to state in the explanatory Memorandum which was supposed to make the Bill clear what the Land Commission apparently meant in that case. Under one of the sections of the Act of 1903, he thought it was the 23rd Section, the Land Commissioners were said to mean the Estates Commissioners. He thought that they had had plenty of evidence in that House during the present session, not only of the way they did it, but also of the very considerable amount of work the Estates Commissioners had had crowded on them. They had had evidence that the Estates Commissioners were hopelessly in arrear with their work, while the legislation of this session was destined to throw a very heavy additonal burden on their shoulders. He did not think it was at all desirable that the Estates Commissioners, if they were the people meant by the Land Commissioners—again he regretted the uncertainty they were in through not having had the benefit of an explanatory statement—should have this extra work thrown on them. If by the Land Commissioners the Estates Commissioners were meant, then he thought it was desirable that somebody more responsible should be vested with the responsibility of dealing with these important rights. He would like the Minister in charge of the Bill to state if he would consent to the judicial head of the Land Commission, Mr. Justice Wylie, a gentleman appointed by the present Government, and whom they all respected, to have all schemes submitted to him. Would the Government consent to allow all schemes dealing with minerals which the Land Commission might have to be brought before Mr. Justice Wylie? He did not think that that was an unreasonable proposition to make. It would certainly facilitate the passing of the Bill. He appealed to the Minister in charge of the Bill to state whether it was intended to vest these rights in the Estates Commissioners without any control. The Estates Commissioners were perfectly at liberty, under their own powers, to sit in their own office, no one being one whit the wiser, and to do just what they thought fit. He did not think such a course would give general satisfaction. They wanted some guarantee that the head of the Commission should be a party to the schemes. It was the head of the Land Commission in whom the mineral rights were vested, and to whom, in name if not in deed, that Bill proposed to transfer the duties. He would have preferred not to have spoken at that stage, for he had hoped to hear what the Government's views were in regard to the Bill, and how far they were prepared to meet reasonable objections. They knew there were reasonable objections, otherwise they would not have promised an opportunity for discussing the Bill. He had only spoken at that stage so that they might hear the proposals of the Government. There was a second part of the Bill which related to a matter dealing with charges on holdings created by will or codicil. It provided that the period within which registration of these charges would be valid would be within six months of the grant of probate of the will or letters of administration. That was not unreasonable, but it was a matter on which, he thought, they ought to have some explanation and some statement as to the reasons which had led the Government to alter the existing law. He was not saying that the Government were not perfectly right, but they should have some explanation of it. When they had had that explanation they would be in a position to understand how far the second part of the Bill required discussion on their part. The explanation in the memorandum was nothing more than a sort of dedication, and it did not explain why these things were necessary or how the existing law failed to satisfy requirements. He hoped that before the debate really began they would have an authoritative statement from the right hon. Gentleman in charge of the Bill as to what its scope and intention really were. It was impossible that the Bill should be passed without any explanation.

MR. CHERRY said he would be very sorry indeed if the House should think there had been any breach of arrangement or understanding with regard to bringing on that Bill at that hour of the night, or that he had been guilty of any discourtesy in not making an explanatory statement. He was not aware that any arrangement had been made. The only conversation he had had with any hon. Member was with the hon. Member for Mid Armagh, who, he thought, would have no objection to his stating what transpired. The hon. Member told him he had no objection to the Bill, but wished that some little time should be given to discuss it, saying that they would not require more than an hour. He told the hon. Member that though it was early in the session it was difficult to get even an hour then, but, if he would wait till later in the session they might get an hour for the discussion of the Bill. Exactly what he undertook should be done had been done. They had got a little time, at the end of a long day it was true.

MR. LONSDALE said no suggestion that the Bill would be taken at that late hour was made in their conversation.

MR. CHERRY said he had promised that an hour should be given. As regarded the other matter they had had a memorandum circulated with the Bill explaining its object, and he had not thought it necessary to trouble the House at that late hour of the night with any further explanation. As the hon. Member had asked for it, however, he was bound to give it. The Bill, as hon. Members would see by referring to the memorandum, was absolutely necessary to carry out the Act of 1903 passed by the late Government. Clause 13 of the Act of 1903 provided that—

> "On the sale under the Land Purchase Acts of any land by that Commission or of any land comprised in an estate by the owner of the estate, there shall be reserved in the prescribed manner to the Commission the exclusive right of mining and taking minerals and digging and searching for minerals on or under that land and the said right shall be disposed of by the Commission in manner hereafter to be provided by Parliament."

It was absolutely necessary now that an Act of Parliament should be passed with that object, and that Bill had been brought in to carry out the necessary directions of the Act of 1903. The hon. Member had referred to the Estates Commissioners as being persons who were to carry out that work, and he thought the hon. Member raised some objection to their doing it.

MR. MOORE said he would like the Attorney-General to tell them what minerals the Estates Commissioners had to deal with now, and whether there was any necessity for immediate legislation which rendered the passing of that Bill necessary?

MR. CHERRY said there was immediate necessity. The Bill was introduced last session but had to be dropped and a great deal of inconvenience had been the result. In the county of Kerry a large amount of minerals was vested in the Estates Commissioners, and there were now prospectors on the spot for the purpose of establishing copper mines. That could not be done without a Bill because without the powers the Bill conferred on them the Estates Commissioners were powerless to do anything. The Act of Parliament passed in 1903 provided that the rights to be vested in the Land Commissioners were to be defined hereafter by Act of Parliament. It was believed that in the county Kerry copper mines could be carried on at great profit, and, as he had said, there were prospectors on the spot ready to proceed if they found that the result of their inquiries was satisfactory. He hoped that as a result of the passing of that Bill they would have a very important mineral industry established there. In the county of Antrim, with which the hon. Member was probably better acquainted, there was every possibility of iron mines being developed. It was for that reason that the Government were anxious that Bill should be passed at the earliest possible date. They felt that the exact wording of the Act of 1903 left them no alternative than that the rights should be vested in the Estates Commissioners. The Act provided that the exclusive right of mining and taking minerals, and digging and searching for minerals, should be vested in the Land Commission and should be disposed of by the Commission in manner hereafter to be provided by Parliament. The body which was to have control must under the Act of 1903 be the Land Commission. He rather gathered that the Land Commission would lease the mineral rights in that Bill under their seal, and if the seal of the Land Commission was fixed the head of the Land Commission would, as the hon. Member desired, have a voice in the arrangements.

It was a duty of the Estates Commissioners, which they could not get rid of, to dispose of those rights, and therefore it was necessary that they should allow them to make the leases. The hon. Member had said that the Estates Commissioners had already got a great amount of work which they could not discharge. That Bill would relieve them for it would enable them to get rid of the mineral rights. That they would proceed to do, and the development of the country would be carried out and the object aimed at by the Act of 1903 would be achieved. The Act of 1903 was a deliberate Act of Parliament directing that the mineral rights should be reserved till Parliament hereafter arranged for their disposal. The other clause of the Bill was very simple, and he thought that he need not enter on any very lengthy explanation of it. It was a purely legal clause and a rather technical one, and for that reason it was not necessary that the memorandum should make any reference to it. The Act of 1903 required that charges should be registered within a certain time. A charge created by deed must be registered within six months of the making of the deed, and a charge created by will must be registered within six months of the death of the testator. There was a grave possibility that serious injustices might be perpetrated under this provision. Supposing, for instance, a man died and by will left his farm to his son. He charged, say, in favour of a daughter who was away a sum of £100 or £200 on the farm. Assuming that the son was anxious to cheat his sister of her right all he had to do was to hold the will for six months without proving it. At the end of that time the charge would be void because it had not been registered. All that the Government sought to do in the Bill was to throw the onus of registering the charge on the person who occupied the land. That was a perfectly fair arrangement, and would be a safeguard against possible unfairness or injustice. He hoped therefore that the House would allow the Government to secure the Second Reading of the Bill and to pass it into law as soon as possible.

Mr. GORDON (Londonderry, S.) said that he did not want to oppose the

Second Reading of the Bill, and he thought that the matter just referred to by the learned Attorney-General was a proper one to be dealt with. He wished, however, to call the learned Gentleman's attention to two or three matters connected with the Bill. He knew there were provisions in the Land Act of 1903 which instead of allowing the Land Commission to be the actual body to deal with this matter would put it in the hands of the Estates Commissioners. Perhaps he was wrong, but for his own part he would prefer that an important matter like this, connected with the granting of leases, the profits arising from which would be of advantage to the working of the Land Act of 1903, should be under the control of the head of the Land Commission, who was a Judge of the High Court. He did not think that it would weaken at all the effect of this Bill if the Government did that. He therefore asked the learned Attorney-General to take into his active consideration the question of whether it would not be better, apart from any arrangement under the Act of 1903, that Parliament should provide that this matter of the leasing and sale of mineral rights should be under the direction of the Land Commission itself. There was another matter to which he wished to call attention. The Bill, he thought, would unnecessarily hamper the making of these leases. If hon. Members looked at the first clause they would find that the Irish Land Commissioners—

> "May let, lease, sell, or demise to any person for his own benefit, in such terms and subject to such conditions as they may think proper, any exclusive right of mining or taking minerals, or digging, or searching for minerals, reserved to them under Section thirteen of the Irish Land Act, 1903."

There might be a good reason for inserting the words ' for his own benefit," but he could not at that moment determine what the reason was, and it was a point on which he should like an explanation. The House would be aware that mines and minerals were generally developed by companies which were formed for the purpose. Leases were very frequently made to persons who were trustees for these companies, and he could not see why the power should be restricted to merely granting leases or selling to persons who were going to work for their own immediate benefit. The learned Attorney-General should carefully consider this matter and remove these words, which were an unnecessary bar in the way of the development of property. He thought it would be better on all grounds for the Land Commission to have the power to grant leases to persons who might be trustees for a corporation or a private company which desired to work the minerals provided they were satisfied with its stability. As regarded the second clause of the Bill, dealing with the registraton of charges created by will, he thought that the provisions there laid down might lead to inconvenience and might prove in some way inadequate to carry out what the learned Attorney-General had stated to be his intention in framing the clause. The second sub-section provided that—

> "Such registration shall, within the time limited by this section, be effected, for the benefit of the owner of the charge, by the person becoming beneficially entitled to the holding on the death of the testator."

That meant, he supposed, that a charge created in favour of somebody who was not beneficially or who was not to become beneficially entitled to the holding under the will of the testator was to be registered by the person becoming beneficially entitled to the holding. He was afraid that the very difficulty which the learned Attorney-General had referred to when he spoke of the man who was to become entitled to the holding keeping the will in his pocket might arise under this clause, and that the object of the testator in giving a charge on the holding which was left to him would be defeated. Even assuming that the man to whom the holding was demised actually proved the will, it might happen that the person entitled to a charge on the holding was in Australia, or was a minor, or was unable to deal with the matter himself. Why should it be that the charge was to be registered by the person becoming beneficially entitled to the holding? He would suggest to the learned Attorney-General that he should go a little farther and make such provision in the Bill that the person who was really entitled to the charge should have the right to register. It would, he thought, be easy to supply a form of words which would provide that the charge should be registered by that person within six months of the time when he became cognisant of the fact that he was entitled to the charge. The person for whose benefit the charge was made might not hear of it at all until after six months had elapsed from the date of the death of the testator, and he desired that a case like that should be covered by the provisions of the Bill. The point he had raised might not be an objection to the Bill in itself, but it was an important matter which ought to be considered, and the Bill might easily be so amended as to deal with it. He trusted, therefore, that the Government would take such steps as would ensure that the person who was entitled to the charge should have a reasonable time in which to register it and make it valid under the Act. He did not think there was any desire on the part of his hon. friends on that side of the House to offer opposition of a strong character to the Second Reading of the Bill, but it was their desire that the proposed legislation should proceed on the best possible lines in order to carry out the intentions of the Government in a satisfactory way. They further wished that proper time should be afforded for a short but reasonable discussion of the Bill.

*MR. FETHERSTONHAUGH (Fermanagh, N.) agreed with his hon. friend that it was most desirable that the Land Commission should be empowered to deal with these rights, and he regretted that the Estates Commissioners, whose hands were already quite full of work, should be cumbered with any subterranean duties. They also thought that without taking this matter out of the hands of the Estates Commissioners the learned Attorney-General might very well have inserted an Amendment making any leases or sales that might be effected by the Estates Commissioners subject to the approval of a Judicial Commissioner or of Mr. Justice Fitzgerald, because the objection suggested by the hon. Member for North Armagh to the way in which the Estates Commissioners dealt with many of their important duties was not a mere formal one. He would point out also that there were other people interested in the question. The Estates Commissioners were trustees as to one-fourth of the profits derived from the working of the minerals, or as to their sale, for the owner. The matter therefore was very important and it should be under the control or supervision of a trained lawyer—either the Judicial Commissioner or Mr. Justice Fitzgerald. As regarded the second part of the Bill he recognised the good intentions of the Attorney-General, and he believed he was to some extent responsible for it by calling attention to the extraordinary result that would arise in many cases under subsection 4 of Section 54 of the Irish Land Act, 1903. He told the Attorney-General that the section could not have been intended for white men. It had, he thought, an Oriental origin, and was drawn up in an absolute disregard of the laws of Ireland. It prevented people who were supposed to be free men from dealing with their land by way of charge or mortgage. It prevented any man from borrowing money on the security of his holding. He supposed it was intended to protect the improvident and thriftless proprietor of land, but it was framed without any knowledge of the law of Ireland, because it did not prevent a judgment mortgage. It was now proposed that a charge upon land should be registered within six months of the death of the testator. The Attorney-General had pointed out one way in which this particular provision of the Land Act might operate most dishonestly, but there were dozens of other ways. The will might be made abroad, or it might result in a lawsuit, or a hundred other things might happen. The subsection of the Act in question was perfectly absurd, and he was glad that the Attorney-General was attempting to amend it, but he would have been much better pleased if the object of his Bill had been totally to repeal the subsection. No matter how Parliament amended it, he believed they would find that it would still be unworkable and lead to the same results as those described in previous speeches. Subsection 2 of the second clause of this Bill would, however, prove absolutely unworkable. It was worse, he thought,

than the old subsection. The proposal was that such registration should within the time limited by the section be effected for the benefit of the owner of the charge by the person beneficially entitled on the death of the testator. He could conceive various instances in which it would be impossible to carry out such a proposal. The person beneficially entitled might die within six months, might be an infant, might be a lunatic, might, when he succeeded, be in some remote part of the earth and be quite unaware of what had happened. In that case he could not possibly register within six months. The Attorney-General's Amendment would only make confusion worse confounded. They were only two possible ways of making his Amendment effective. They were both undesirable. One was to throw the duty upon the officer of the Probate Court, who should transmit a copy of the will containing the charge to the proper officer, or to throw the duty upon the personal representative of the deceased. To adopt either procedure was open to grave objection.

Mr. CHERRY said he did not seek to provide that the charge could only be registered by the person beneficially entitled. What he sought to do was to cast the duty upon the person who became beneficially entitled to the land to carry out registration.

*Mr. FETHERSTONHAUGH said the section was absolutely unworkable as it stood, and could only be made workable by the means he suggested. The best Amendment would be repeal of the section. It was impossible, satisfactorily, to arrange this registration of a charge created by will. The section threw no effective duty on anyone and gave no remedy for breach of the duty. He most earnestly pressed on the Attorney-General whether the whole section could not be, with advantage to everybody in Ireland, repealed. He had never in a tolerably extensive legal experience met anybody who asked for the section, and he had heard complaints from every corner of Ireland, among all classes of people, about it. It was an absolutely silly section. It did not protect the thriftless man and it imposed a burden on the thrifty. It was not a proposal to be applied to white men. It was unsuitable to a civilised country, and the very impossibility of making any satisfactory Amendment showed that the best thing would be to get rid of it. If they could not have that, he would urge the consideration whether the duty should not be thrown upon the probate officer. The section had worked most horrible iniquity up to the present. In several instances known to himself, people had been deprived of their charges, in some cases through mere ignorance. People did not rush off immediately to prove a will after a man's death, and did not know it was to be registered within six months. In a large number of cases, registration did not take place through inadvertence. He pressed for the repeal of the section.

MR. T. L. CORBETT (Down, N.) rose to appeal to his hon. friends not further to oppose a Bill on which both sides of the House were largely agreed. The points which had been raised appeared to him, and he thought would appear to the House, as points which were far more suited for Committee than for a Second Reading debate. He hoped his hon. friends would not proceed in their opposition.

Question put, and agreed to.

Bill committed to a Committee of the Whole House for To-morrow (Friday).

COMPANIES BILL [LORDS.]

Order for Second Reading read.

THE PRESIDENT OF THE BOARD OF TRADE (Mr. LLOYD-GEORGE, Carnarvon Burghs) in moving the Second Reading said the Bill was one which had come down from the other House. It was based on the recommendation of a Committee appointed by Mr. Gerald Balfour when President of the Board of Trade, and it embodied practically all the recommendations made by that Committee. The principles underlying the Bill were very fully explained in the Memorandum attached to it, and therefore he did not propose to go through the various propositions. The Bill had been thoroughly canvassed and discussed in financial circles during the last few weeks and months, and it was quite unnecessary to enter into explanations of the various clauses. He thought he had better say at the very outset in reference to one or two provisions in regard to which there had been some controversy that it was not proposed to proceed with those. One was the provision with regard to the filing of private companies. Considerable objection had been taken to that, and the Government did not propose to proceed with it. Some criticism had been offered with reference to the provision dealing with those who now audited accounts of companies who were not accountants, but were appointed rather as experts in such matters. In the circumstances the Government were prepared to drop that provision. These were the only two provisions to which he had heard any objection taken, and as the Government proposed to drop them, he assumed that the Bill was now in the nature of an unopposed measure. It had been fully discussed in the other House, and he asked that House now to give it a Second Reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Lloyd-George.*)

*MR. FELL (Great Yarmouth) said the importance of the Bill would be denied by no one. It affected the property of tens of thousands of people in this country and it affected the investments which tens of thousands of other people in the future would make. He believed the amount now invested in joint stock companies exceeded that of all other investments in the country, and it was increasing far faster than any other form of investment. The object of the Bill was to remedy certain difficulties which had been found under the Bill of 1900 and to improve on that Bill. That Bill was intended to protect the investors. In some ways it had prejudiced their interests. Provisions were embodied that prospectuses of companies should give fuller information than they did up to that time, that more material points should be disclosed. The result of making that so stringent was that instead of the partial protection which even these prospectuses gave, they were left in many cases without any prospectuses or facts at all. Since the Act of 1900 was understood it had become a very common practice to issue no prospectuses and not to advertise the companies at all. Whatever protection had existed before was consequently lost by the attempt of the Act of 1900 to give greater protection. That showed how extremely necessary it was to discuss the matter thoroughly from the very bottom. They must take care that in the attempt to give too great safety they did not give any protection at all. He would point out one piece of evidence which was pretty conclusive as to that. There had always been a difficulty, that intermediate contracts were not disclosed and that contracts did not go back far enough to show the large profits that were being made by some person who did not appear in the prospectus at all. The attempt to have such contracts inserted so that people applying for shares might know exactly where the money went, had simply resulted in lawyers advising that every contract should henceforth be put into the prospectus. The consequence was that there was such a multitudinous lot of agreements in small print inserted that they might just as well not be there at all. It was perfectly possible for the ordinary investor to go through those contracts and inspect them and to come away no wiser. He was confident that the great thing in regard to a prospectus was, not that it should get everything into it, but that it should be correct and should as shortly as possible express truly the state of the business. If they tried to cover such an extraordinary amount of ground as was done by the Act of 1900 they rendered the whole thing nugatory. The object of the new Bill was to force the prospectus to be correct or if no prospectus was issued the company would have to register a statement of its affairs. The statement of the company must consist of the precise points of interest which were required to be set out in a prospectus. In the schedule a draft statement of what was expected was set out, and he believed that in that statement they were asking a great deal too much, and the result would be that they would get nothing at all, or that they would get such an amount of information that they would be confused by it, and it would be practically of no value. He quite agreed that a great deal of the schedule was good, and might be of great advantage, but they were trying to get too much into it, just as they tried to get too much into a prospectus and consequently spoilt it. If they read a prospectus now they found it perfectly impossible to find out what the business was because the ordinary lay mind could make very little out of it. They could not use their intelligence at all. That was the first point that would want careful consideration and possibly some amendment. The next point was with regard to the issue of shares at a discount. The importance of that could not be overrated. He believed it was legal in all other countries to issue shares at a discount. In the colonies they did so, and in America it was a common practice. In America they sold dollar shares, at ten cents., and as a company got on they sold them perhaps at twenty-five cents. It was frequently quoted that companies were selling their dollar shares at twenty-five cents. In England that was impossible. He did not know whether there was any Act of Parliament prohibiting it but the decision of the Courts had been to the effect that shares must not be issued at a discount, and many companies had suffered grievously in consequence of that obligation. The ingenuity of the legal mind had been sufficient to get over the difficulty, and it had been got over. It had not been possible without a little help from the authorities, who received very large sums on the registration of those companies which were reconstructed. He was quite sure, however, that the Government and officials would not really desire a cumbrous method, such as reconstruction of companies in the present way, to be adopted, but would much rather that everything was done honestly. Pound shares in the old company were at present exchanged for £1 shares in a new company with 15s. or whatever the amount might be paid up, leaving 5s. or whatever the amount might be, to be assessed on the new shares. Under the new Act it would be possible to issue further shares at 5s. While on that point he desired to point out that it was perfectly clear that shares would be issued at a very great discount. Companies whose shares had fallen heavily would resort to that method, and they would have companies which had perfectly good businesses, which required further capital to pull them round, and ensure a very successful future, availing themselves of it, and issuing their shares at a small price. It would require a great deal of care in carrying out. There was a stipulation that it was to be done when a company had continuously carried on a business for more than two years. He thought some alteration might be necessary there. Clause 8 could hardly stand, for it provided for the repayment out of profits of the whole of the money which had been lost by companies in issuing shares at a discount. He did not think that, however prosperous a company might be, it could reasonably be expected out of its profits to make up the 15s. which had been lost, and to bring those shares up to par. He thought some change would be necessary there. Another important point was the payment of interest out of capital. They had of course become accustomed to that in railway companies, etc., but in the case of ordinary companies, such as gold mines, or industrial companies, but more particularly gold mines and exploring companies, it would be very difficult to draw the line. Those companies were to pay interest out of capital during construction, but a successful gold mine was always under construction, and it was impossible to say when it had finished its work. All progressive companies were the same. A great company like Rio Tinto could never say it had closed its capital account. It might be possible to introduce some words to make that provision with regard to payment of interest out of capital feasible. It was certainly a point they must consider. There was a safeguard in the fact that the Board of Trade had to give their previous sanction. He thought there was a doubt whether they would give it in the case of gold mines. The clause applied rather to a constructive work like a railway or a canal than to a gold mine. It was provided that if those shares were to be issued and to have the benefit of 4 per cent. interest during construction that that fact must be set out in the prospectus, otherwise the company would not get the benefit of placing its capital in that way. As they had in addition to get the previous sanction of the Board of Trade many companies could not make use of the clause. The most successful companies were frequently those whose shares were the most rapidly issued. When the time was ripe, and the market in a proper condition, there must be no delay whatever if the work was to be successfully done. That being so it would be difficult to get the Board of Trade sanction. The registration of foreign companies over here was provided for in the Bill. It had always been a matter of surprise to him that we had never previously insisted on their registration. The very first thing we had to do if we wanted to do business abroad was to get the sanction of the country with which we wanted to do business, but we had let companies from abroad open their offices here without paying fees or duties of any kind, and without any provision of any kind for control over them. He thought from the wording of the clause that it really pointed to companies in our own Colonies, such as companies in South Africa. He did not think it was meant to apply to small French or German companies which had agencies or branches in this country. There might be a difficulty in regard to that class. The large companies, however which really did business in this country ought to be registered, ought to have an authorised agent who could be sued, and ought to put on their notepaper that they were registered in Paris or elsewhere. That was all he would trouble the House with at that late hour of the night. While entirely agreeing that the Act of 1900 did require amendment, and very considerable amendment, he thought it was also clear that they would have to go very warily and take the greatest care over the two or three points which he had brought before the House. He had very little doubt that if they did take care they might make an Act which in the future would be of very great benefit to investors. But when all was done for them the investors must rely on themselves.

MR. BEALE said he only rose to speak on the Second Reading of this measure because he thought it was necessary after the observation of the President of the Board of Trade, to the effect that it was practically an unopposed Bill, to say that, while he fervently hoped it might prove so, it was within his knowledge that a body of lawyers of considerable eminence in this country had very serious points to raise which they wished to be considered. He did not think it was for a moment an unopposed Bill in the sense that it could be disposed of in a very short time merely by way of alteration. In the first place—and this was really a Second Reading principle—the first clause of the Bill went on lines which, he was sorry to say, he had regretted for a great number of years, and which were initiated by the Act of 1867. It tried to prescribe what people were to say in a prospectus in order to be honest. They were to give the dates of and parties to every material contract, but as long as these were in the prospectus they might make it as obscure as they liked. They might, in fact, bury practically all the principal points which they ought to have revealed. The Bill was undoubtedly needed to supplement the shortcomings and correct the blunders of previous legislation, but it was to be regretted that such legislation was ever initiated in the way it was. There was another point as to the issue of shares at a discount, regarding which he would like to say a few words, and which required a good deal more attention than the last speaker gave to it. He defied anyone on reading the clause to say what would be the effect if the provision contained in it was not fulfilled. Supposing the provision was not complied with, who could say from the clause whether the issue was void or not, whether the share was allotted at all, or whether the man held a share but had not got the benefit of the discount? Another point, and a more serious one, was that under Clause 11 it was provided that all mortgages and charges should be void unless within twenty-one days certain particulars were furnished. People who had subscribed their money would not, however, know whether this had been done or not. It appeared very strange that such a clause should ever have passed the other House, and in any event it certainly should not pass in the House of Commons. There were other things in the Bill which raised questions of unnecessary interference with the ordinary course of business, all of which, he thought, might be properly dealt with by way of Amendment in Committee. He hoped with the good will of the Board of Trade and by confining themselves to what was really essential there might be no difficulty in carrying out the wishes of a large body of people in this matter.

LORD R. CECIL (Marylebone, E.) said the interest in joint stock companies was enormous, no less than £2,000,000,000 being invested in them. Legislation which affected them was, therefore, of very great importance. He was very much surprised at what had fallen from the hon. Member who had just sat down and who looked with very great sympathy on the imposition of restrictions upon the promotion and management of joint stock companies. Personally, he did not believe that by these precautions they ever did what they desired, for by them they merely hit the honest fool, whilst they missed the clever rogue. The mesh of their net had to be so wide in order to catch the clever rogue, that they would really destroy enterprise altogether. He, therefore, looked with suspicion upon any of these precautions, and he thought they would do better if they left the companies alone altogether and allowed the investors to look after themselves. If they suffered, it would be their own fault. The moment they legislated by imposing restrictions, the foolish investor, in whose interest the precautions were taken, imagined that the legislation had protected him. As a matter of fact, it did not. Some ingenious swindler would find his way round the law, and the last state of the investor would be worse than the first. It was not only that, but there was very little doubt that some of the precautions produced a very serious effect indeed upon company enterprise in the country. The Committee to which the President of the Board of Trade had referred were very much struck by the decrease in joint stock company business in the country. They pointed out that since 1896 it had fallen off very considerably. After the passing of the Act of 1900 the decrease was exceedingly rapid and severe. The number of companies went down from 4,500 to 3,900, and the amount of money subscribed fell from £206,000,000 to £137,000,000. The nominal amount of capital of each company had also gone steadily down since 1896, and it was now very much less than half what it was in that year. He saw that among the causes assigned by the Committee for this was the following: They said that the diminution had been caused in part by the Companies Act of 1900, which introduced very stringent precautions and made the issue of prospectuses more difficult, and brought in new and heavy liabilities upon promoters and directors. He called attention to this fact, and the materiality of it in relation to this Bill was that they called especial attention to the fact that a large number and an increasing number of companies issued no prospectuses at all. The majority were of opinion that such a statement should be made, but they were not very sanguine about it. That was only the extent to which they recommended it, and he confessed that the reasons they gave did not appear to him to be very satisfactory. After all, if a company came before the country without a prospectus it made no statement which could deceive the public. It was for the public then to inquire into the prospects of the company, and he, personally, did not see what harm would be done. It would be for the public to make what inquiries they pleased. The moment they required a statement to be issued, he agreed that it must not only be true in the sense of not stating anything which was false, but it must be complete. The Government proposed by the Bill to require a statement which he agreed would give some information, but it evidently would not give that full information which might be desirable, and without which the statement in the hands of an ingenious person would probably be made to give very little information at all of any value to the investor. It appeared to him that such a statement would be a trap to the investor. He did not see why the Government had inserted the first three clauses in the Bill, and he trusted that when they got into Committee the Government would drop them. He very earnestly pressed upon the Government's attention the consideration whether it was really in the interests of the public—taking the public in its widest sense, not only the investors but all the people in the country who depended upon the prosperity of this great branch of enterprise in the country—and whether it was desirable to impose these restrictions on the formation of companies. Would it not be better to leave the thing alone and allow the public to find out themselves what was really the law and to take their own precautions accordingly?

*MR. CAVE (Surrey, Kingston) protested against the Government bringing on at that late period of the session a Bill of such very great importance to the commercial community. It was not, as had been suggested, an entirely uncontroversial Bill, but there were points in it—matters which must be discussed and debated—which would meet with considerable opposition from more quarters than one. He did not think it was quite fair to the business community that matters of this importance should be brought on at a time when discussion could not be really adequate for the purpose. There was one other matter to which he wished to refer. He wanted to know exactly where the House was with regard to certain clauses of the Bill. He understood from the right hon. Gentleman that two of the clauses at least would be abandoned. He supposed that one was Clause 21.

MR. LLOYD-GEORGE: The latter part of Sub-section (1.)

*MR. CAVE: Am I to understand that a part only of Subsection (1) of Clause 21 is to be abandoned? I think that Subsection (4) of that clause ought also to be left out. I understand that Clause 23 will be dropped.

MR. LLOYD-GEORGE: In so far as it refers to private companies.

*Mr. CAVE thought that objection would be taken to the whole of the clause when the proper time came. He did not think that, even in the case of public companies, it should be the duty of a company to file a statement of all its accounts, and give the public access to them. Whether in the case of public companies or of private companies, those accounts ought to be confined to the shareholders and not thrown open to the gaze of everybody. Apart from these matters he also took strong objection to other clauses. There was for instance Clause 11, which required the registration of mortgages. He thought that clause objectionable so far as it applied to mortgages of land and possibly to mortgages of book debts. If the mortgage was not registered within a certain time, it was, according to the Bill, to become void. There ought to be introduced into the clause a provision whereby, if through inadvertence registration did not take place, the time might be extended. That had been found a useful provision in the Acts requiring registration of debentures, in connection with which it had been often employed, and it ought to be inserted in Clause 11. He was taking the matter very shortly because they were only on the Second Reading. Clause 19, which gave not only to creditors but to the public the right to inspect registered mortgages, he thought required consideration. Again in regard to Clause 26, which said that fourteen days notice must be given of all meetings, he thought that was wholly unworkable. In the case of many companies it was necessary that a meeting should be called for business purposes at very much less notice than fourteen days. That was another clause that required consideration. He was not going into other details that night, but he wanted to look at the matter from a business point of view, and from that point of view the Bill required a great deal of consideration. He hoped that both in Committee and on Report they would have a full opportunity of expressing their views.

*Mr. HILLS (Durham) said he rose for the purpose of dealing with one or two points only. He associated himself entirely with the view that everything for the protection of shareholders ought to be carefully scrutinised. All this vast machinery of registration and prospectuses and the inclusion of certain things in prospectuses was largely a snare. He would only say a few words about the protection of creditors. He thought the Bill went too far in the direction of protecting creditors at the expense of shareholders. The clause regarding mortgages, which had just been referred to, was for the protection of creditors. As to that, he did not quite see that a creditor ought to have any more rights against a company than he had against an individual, and an individual was not required to disclose his mortgages. He did not see any reason for the provision. Then there was the question of the balance sheet. It certainly seemed rather hard if all the people who cared to pay 1s. could come and see the balance sheet. It was rather hard on the company, for a balance sheet disclosed facts to rival traders that ought not to be known. It would have this dangerous effect, that it would induce a company to keep as much out of the balance sheet as it possibly could. Surely the shareholder was the only person who was really entitled to see the balance sheet. It was not a matter which the creditor had a right to see. There were certain clauses that increased the flexibility of a company, and these he supported most heartily. The provision enabling a company to issue shares at a discount was in accordance with present conditions and ought to be accepted. Shares were as a matter of fact issued at present at a discount, and it was far bolder and wiser to recognise that and to allow the company to issue shares in that way. The same thing applied to payment of interest out of capital. That was allowed in the case of statutory undertakings, and on the whole he thought it was a fair arrangement. Under the safeguarding in the Bill, the sanction of the Board of Trade and so on, he did not think it would work any harm. It also increased the flexibility of companies and cut away some of the stiffness and rigidity which certainly now increased expense and decreased efficiency. Now he came to the main point. The true ground of company reform seemed to him the increasing of the responsibility of directors. The only real safeguard was efficient and honest men to manage the company. At present the Courts had taken a very narrow view of the responsibilities of directors. In fact, if a director attended meetings and drew his salary, he had fulfilled his whole duty to the company. It ought to be made a much more responsible thing for a man to undertake a directorship. At present it was regarded lightly. He thought it was too badly paid as a rule, and men engaged in far too many undertakings. A certain decision of the Court in his judgment had had a most deleterious effect in this respect. The impression had been given that the real people who ran the company were not the directors, but the business managers. He was putting the matter shortly. The Bill was one in which he was deeply interested, and he hoped in Committee there would be ample time for discussing it.

MR. RAWLINSON (Cambridge University) said he would not discuss the details as he should wish, but he thought the right hon. Gentleman must see himself by now, that in dealing with such a Bill involving important legal and business questions, it was somewhat hard that they should have to discuss it at that time of night, and that it should go to Committee at a time when the House was sitting late every night, as it did during August. Moreover, it was useless to think that the Committee could get from business or legal people in the month of August that information which was essential to a proper understanding of the details of the Bill. Having said that, he did not propose to detain the House, but he merely asked whether it was fair in the best interests of the Bill that it should be pressed through Committee and Report in the month of August.

Question put, and agreed to.

Bill committed to a Standing Committee.

JUDICATURE (IRELAND) BILL.

Order for Second Reading read.

MR. MOORE asked if he would be in order in moving the adjournment of the debate. They had been there since a quarter to three and he had been serving on a Committee which met at eleven o'clock. It was really hardly fair that they should have contentious matter brought forward at such an hour. His friends and he would discuss it fairly if the Patronage Secretary would give them time to do it on a proper occasion. He put it to him that they had not been unreasonable about it, and that the House should not at two o'clock in the morning begin to debate the matter.

MR. GEORGE WHITELEY: It was agreed that we should get this Bill.

*MR. DEPUTY-SPEAKER: This discussion is not in order. There is no Question before the House.

MR. BIRRELL said that this was a Bill the second reading of which, he thought, there would be no difficulty in getting at any hour of the day or night. Its object was to abolish two Irish Judges and to reduce the salary of the Lord Chancellor of Ireland by £2,000 a year. Anyone who was at all interested in economies would feel it was an admirable measure, and he was sure that the fact that the hon. Gentleman opposite belonged to the same profession as himself, would not in any way interfere with the desire to carry out an undertaking which had been before Parliament for years. The Bill was no more than the re-introduction of a measure introduced by the late Conservative Government. The fact was that the House by its own Labourers Bill of last session bound itself to provide funds for that Bill. Those funds were to come from specified sources. Anybody who referred to the thirteenth section of that Act would see that the funds which were to provide that measure with the necessary money were those which would be liberated and set free by this Bill. It really was not open consequently to hon. and learned Gentlemen opposite to discuss the measure unless they were prepared to go back on the policy of their predecessors and also on the pledges practically given when the Labourers Act was passed. The measure was confined to that object. The first section provided that the two vacancies occurring next after the 1st March, 1907, in the office of Judge of the King's Bench Division, other than Lord Chief Justice in Ireland, should not be filled, and the House would observe the date. He put in the date to tie his own hand. Gentlemen opposite were always accusing him of yielding to temptation. The long vacation was now upon them. Judges were scattered all over the land. Some were fishing, others would soon be shooting. They were exposing themselves to all kinds of dangers and perils. Heaven knew what would happen to him if any of them perished without that Bill. Pressure would be put on him to fill their places. He hoped by the date he would not be subjected to that pressure if any lamentable accident were to supervene. He was happy to say the Lord Chancellor had agreed to the reduction of his salary. The House should avail itself of the opportunity of an accommodating Lord Chancellor rather than delay the matter until a time when possibly the occupant of the Woolsack in Ireland might take another view of his public duty. Seriously he put it that the House was pledged, and he would be much surprised if any of the hon. and learned Gentlemen opposite could in any way get out of the fact, that ever since 1885 measures had been introduced with that purpose in view, and as he said they had pledged themselves in regard to the Labourers Bill. It was introduced last session at the same time as the Labourers Bill, and really they would be neglecting their duty and not fulfilling their obligations towards the labourers whose cottages were being erected if they delayed one moment in supplying the necessary funds.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. MOORE said he had listened with some interest to the customary jeers which any individual who happened to be a barrister received from hon. Gentlemen below the gangway if he ventured to speak on matters connected with legal preferment in Ireland. He had really thought, however, that the right hon. Gentleman, who was himself a member of the legal profession, would have risen above such petty consideration.

Mr. BIRRELL said he had said that he was sure the hon. Member had no such personal interest.

Mr. MOORE said he withdrew at once what he had said about the right hon. Gentleman. He hoped that in future there would be no occasion which would give rise to a similar misconception on his part. Personally, he had always opposed a reduction in the number of Judges in Ireland. He had been consistent throughout, and his opposition had been prompted by no personal interest, but by the fact that he was a member of the Bar who took a keen interest in the work of the Bar. The Bar with which he was associated, and with which the Attorney-General for Ireland was associated, took the stand that the reductions were unnecessary. The Chief Secretary for Ireland had referred to the fact that since 1885 Parliament had pledged itself to make reductions in the Irish judicature. But Parliament had carried out that pledge in 1887 when there was an amalgamation of the Judgeships in the High Court and several Judges were abolished. He thought he was right in saying that since 1885 five Judgeships had been abolished. The more Judgeships that were abolished the more reason there was for the House to consider before abolishing any more. The last Judicature Act was passed in 1897 and since then there had been a continuous reduction in the number of Judgeships. If that were true it was not right for the right hon. Gentleman to base his present action on the fact that pledges were given in 1885, and to suggest that those pledges had not been kept till that Bill was brought in. The public was not in favour of the Bill. He would tell the House why. They had five circuits in Ireland and there had been no proposition to abolish the circuit system. They had two Judges to each circuit. The circuits were not for the convenience of the Judges but for the convenience of the public. The assize court was practically the only court for an Irish litigant to have his case tried in. The subject of county court litigation was not to be judged by the British standard. The limit was £500, and the only chance the people of Ireland had to have their cases tried by a Judge was to appeal to the Assizes. The procedure then was that witnesses attended again and the whole case was reheard. While they had the circuit system consisting of five circuits in Ireland they must from some quarter or other have ten Judges in order that the poor man might have his poor man's court in his own county town. There was great doubt as to whether the reduction would alter the circuit system. The position now was that they required in the public interest that there should be ten Judges. There was a vacancy in the King's Bench division which was created early in 1903 by a King's Bench Judge volunteering to take the place of a Judge in the Chancery division. That place was not filled, and it became necessary to send members of the Court of Appeal through the country on circuit. While they were out on circuit there was the greatest difficulty in getting a Court of Appeal to sit, because of the absence of those particular Judges. In consequence the work of the Court of Appeal in Ireland was paralysed. That was not a satisfactory state of things. The right hon. Gentleman had spoken of pledges given by successive Governments that when a vacancy occurred they would not fill it. Certainly the Minister in charge of the Bill of 1903 gave a pledge, and the right hon. Gentleman's predecessor in that House gave a pledge, that one vacancy would not be filled. The right hon. Gentleman's predecessor brought in a Bill last year which was dropped, but which provided that that Judgeship should not be filled up. But what did the right hon. Gentleman do? Within six weeks of taking office he at once proceeded to fill up the Judgeship which his own Party was pledged to abolish, and which the right hon. Gentleman's predecessor had declared to be extinct. The appointment of Mr. Justice Dodd was made at the end of February when the pledge had been in existence three years. Mr. Justice Dodd was appointed, and then the right hon. Gentleman brought in a Bill providing that no vacancy after 1st of March, should be filled. He congratulated the right hon. Gentleman on his ingenuity, but not on his candour. Whether or not it might be argued on the part of the Government that it was unnecessary to fill up the vacancies, they could not say that in February last, when they appointed Mr. Justice Dodd, it was unnecessary to fill the vacancy. If it was unnecessary to fill the vacancies it must be because of something which had happened since Mr. Justice Dodd's apointment. They were told that Mr. Justice Dodd was appointed to dispose of the large accumulation of arrears of Land Commission appeals. Last year there were 11,000 appeals to be disposed of, and in the course of one year the 11,000 was reduced to 7,000. Then Mr. Justice Dodd was appointed. They were told in that House that day that Mr. Justice Dodd had disposed of 350 appeals, about a fortnight's, or at a generous estimate, three weeks work. Though the Government had filled up that judgeship in defiance of the pledges that had been given, the only reason for that appointment was said to be that all those appeals had to be dealt with, yet Mr. Justice Dodd had only done about three weeks' work. Mr. Justice Dodd had been employed in the King's Bench Division, it had been necessary that he should be, and he had done good work there. That was why Mr. Justice Dodd was appointed. In his opinion, Mr. Justice Dodd was appointed for the common law work which he had done ever since. The common law which he had done was ten times as large as the work he had done on the appeals to deal with which he was appointed. It had been necessary to apoint Mr. Justice Dodd, and the amount of work he had done was a thorough justification of the action of the Government in filling up the vacancy. What he complained of was that Mr. Justice Dodd was appointed in breach of a particular pledge which had been given. He had been told it was necessary to break that pledge in order to get rid of Land Commission appeals, but they now found that Mr. Justice Dodd had not been getting rid of Land Commission appeals, but had been doing common law work. That showed that there was every justification for appointing Mr. Justice Dodd to the King's Bench Division. It showed that the work was there and people knew that the work was there. When the Bar

Council passed a Resolution on the subject he thought it ought to be considered. He thought, however, that it was no use complaining at that late hour. He did not know whether the Bill would be considered in a Committee of the Whole House.

MR. BIRRELL said they kept everything in that House.

MR. MOORE thought it was really not so jocular a matter as the Chief Secretary thought when he moved his Motion. He wanted to allude to one more point. It was perfectly true that the generosity of the Government towards the labourers of Ireland, and the generous financial provision made for them under the Act, which they took so much credit for last year, was the reason for the abolition of the two Irish judgeships. The Irish Judges were to be abolished to provide funds for the carrying out of the Irish Labourers Act. As a matter of fact the working of the provisions of the Irish Labourers Act had created a great deal of soreness, and in spite of what they were told as to its being a legal distribution of money he had no hesitation in affirming that the method pursued had in a large measure deprived the counties in the North of Ireland of the Exchequer grant which they were getting under the previous Labourers Act. It was the labourers who suffered by this because the rural councils would not build cottages when the whole feeling of the ratepayers was against it. He wished to ask the Attorney-General would he consider, if this Bill became law, some method of re-alloting the moneys which would be saved by the Act with a view to removing the injustice which under last year's Bill had been caused to the local authorities in the North of Ireland in their efforts to build labourers cottages. He did not think that was unreasonable, and if his request could be granted it would alter to a great extent in one aspect his opposition to the Bill.

Question put.

The House divided:—Ayes, 61; Noes, 11. (Division List No. 396.)

AYES.

Ainsworth, John Stirling
Allen, A. Acland (Christchurch)
Balfour, Robert (Lanark)
Barry, Redmond J. (Tyrone, N.)
Beauchamp, E.
Beck, A. Cecil
Birrell, Rt. Hon. Augustine
Bowerman, C. W.
Branch, James
Brunner, J. F. L. (Lancs., Leigh)
Byles, William Pollard
Carr-Gomm, H. W.
Cherry, Rt. Hon. R. R.
Clough, William
Cooper, G. J.
Corbett, C H (Sussex, E. Grinst'd)
Cory, Clifford John
Craig, Herbert J. (Tynemouth)
Crosfield, A. H.
Davies, W. Howell (Bristol, S.)
Elibank, Master of
Fenwick, Charles
Ferens, T. R.
Fiennes, Hon. Eustace
Fuller, John Michael F.
Gladstone, Rt. Hn. Herbert John
Grant, Corrie
Haslam, Lewis (Monmouth)
Haworth, Arthur A.
Helme, Norval Watson
Higham, John Sharp
Illingworth, Percy H.
Jones, Leif (Appleby)
Lamont, Norman
Lardner, James Carrige Rushe
Levy, Sir Maurice
Lewis, John Herbert
MacVeagh, Jeremiah (Down, S.)
Maddison, Frederick
Mallet, Charles E.
Nicholson, Charles N. (Doncast'r
Nolan, Joseph
O'Connor, John (Kildare, N.)
Paulton, James Mellor
Pearce, Robert (Staffs, Leek)
Radford, G. H.
Rainy, A. Rolland
Roberts, Charles H. (Lincoln)
Robinson, S.
Russell, T. W.
Silcock, Thomas Ball
Simon, John Allsebrook
Strachey, Sir Edward
Straus, B. S. (Mile End)
Thompson, J. W. H. (Somerset, E
Waring, Walter
White, J. D. (Dumbartonshire)
White, Luke (York, E. R.)
Whitley, John Henry (Halifax)
Williams, Llewelyn (Carmarth'n
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Beach, Hn. Michael Hugh Hicks
Castlereagh, Viscount
Cave, George
Gordon, J.
Helmsley, Viscount
Hills, J. W.
Pease, Herbert Pike (Darlington
Rawlinson, John Frederick Peel
Salter, Arthur Clavell
Staveley-Hill, Henry (Staff'sh.
Talbot, Lord E. (Chichester)

TELLERS FOR THE NOES—Mr. Moore and Mr. Fetherstonhaugh.

Bill read a second time.

Bill committed to a Committee of the Whole House for To-morrow (Friday).

Mr. Moore.

Whereupon Mr. DEPUTY-SPEAKER, pursuant to the Order of the House of the 26th day of July last, adjourned the House without Question put.

Adjourned at twenty-five minutes after Two o'clock.

An Asterisk (*) at the commencement of a Speech indicates revision by the Member.

HOUSE OF LORDS.

Friday, 9th August, 1907.

COMMISSION.

The following Bills received the Royal Assent:—

1. Finance.
2. Matrimonial Causes Acts Amendment.
3. British North America.
4. Employment of Women.
5. Pier and Harbour Provisional Order (No. 1.)
6. Pier and Harbour Provisional Orders (No. 2.)
7. Leeds (South Parade Chapel) Charity.
8. Kingswood (Whitfield Tabernacle Schoolroom, etc.) Charity.
9. Longton (Caroline Street Chapel) Charity.
10. Portishead District Water.
11. Collooney, Bellina, and Belmullet Railways and Piers.
12. Lancashire and Yorkshire Railway.
13. Broadstairs and St. Peter's Urban District Water.
14. Western Valleys (Monmouthshire) Sewerage Board.
15. Merthyr Tydfil Stipendiary Justice.
16. Selsey Water.
17. Midland Railway.
18. Birkenhead Corporation Water.

The Lord O'NEILL took the Oath.

PRIVATE BILL BUSINESS.

Aberdeen Corporation Electricity Bill [H.L.]. Commons' Amendments considered, and agreed to.

Metropolitan Water Board (Charges, etc.) Bill. Brought from the Commons, read 1^a, and referred to the Examiners.

National Trust for Places of Historic Interest or Natural Beauty Bill [H.L.]. Returned from the Commons agreed to, with Amendments. The said Amendments considered, and agreed to.

Llandrindod Wells Gas Bill; London County Council (Money) Bill. Returned from the Commons with the Amendments agreed to.

PETITIONS.

BUTTER AND MARGARINE BILL.

Petitions to be heard by Counsel for Amendment of; of Stalybridge Grocers' and Provision Dealers' Association; Maidstone and District Grocers' Association; Newark and District Grocers' and Provision Dealers' Association; Leith Grocers' and Provision Merchants' Association; Rochdale and District Grocers' and Provision Dealers' Association; Wallasey Grocers' and Provision Dealers' Association; Eastbourne and District Grocers' Association; and Hull Retail Grocers' Association. Read, and ordered to lie on the Table.

RETURNS, REPORTS, ETC.

NORTHERN NIGERIA.

Correspondence relating to Sokoto, Hadeija, and the Munshi country.

CHARITABLE DONATIONS AND BEQUESTS (IRELAND).

Sixty-second Annual Report of the Commissioners.

QUEEN'S COLLEGE, BELFAST.

Annual Report of the President, for the year 1906–1907.

TRADE REPORTS: ANNUAL SERIES.

No. 3889. Germany (Hamburg).
No. 3890. Guatemala (Quezaltenango).

Presented (by Command), and ordered to lie on the Table.

BANKRUPTCY.

Twenty-fourth General Annual Report by the Board of Trade under Section 131 of the Bankruptcy Act, 1883. Laid before the House (pursuant to Act), and ordered to lie on the Table.

LIGHTS ON VEHICLES BILL.

Report of the Amendments made in the Committee of the Whole House, and by the Standing Committee, to be received on Monday next.

POST OFFICE SITES BILL.

Read 3ª, with the Amendment; and passed, and returned to the Commons.

EVICTED TENANTS (IRELAND) BILL.

House in Committee (according to Order).

(The Earl of ONSLOW in the Chair.)

Clause 1:—

LORD ATKINSON moved to omit Sub-section 1, which enabled the Estates Commissioners to acquire any land for the purposes of the Act on offering to the owner a price which appeared to them to represent the fair market value of the land, and to substitute for it the following new sub-section:—"If the Estates Commissioners are unable to acquire by agreement and on reasonable terms suitable land for the purposes of this Act, and if they have offered to the person appearing to them to be the owner of any land which, by reason thereof, they desire to acquire compulsorily for such purposes, compensation for the loss which would be sustained by the owner by being deprived thereof, and he has not within the prescribed time accepted the offer, they may, subject to the provisions of Sub-section 8 of Section 2 of this Act, acquire that land compulsorily for those purposes in accordance with the provisions of this Act, and shall declare any land so acquired to be an estate." As a consequential Amendment he proposed to insert in Clause 2 (provisions respecting acquisition of land and purchase money) a new sub-section (8), referred to in the foregoing Amendment, providing that any person aggrieved by any order or petition of the Estates Commissioners might apply, as he should elect, either to the King's Bench Division of the High Court of Justice in Ireland or to the Judge of assize in which the lands sought to be acquired were situated, to hear and determine any question of law or fact arising out of any such petition or order.

He had three objects in moving this Amendment. The first was that the Estates Commissioners should to some degree—he regretted he could not manage it altogether—be put in the position of all other bodies who sought to acquire land compulsorily, namely, that they should be obliged to show that it was necessary for the purpose authorised that they should so acquire it. He made this statement with the confidence that there was not to be found in the legislation of the three kingdoms a single instance where any individual, body, or Minister of State could take land compulsorily without convincing some other body or Minister of State that it was necessary to do so. He challenged the noble Earl the Lord President, or any noble Lord who might speak for the opposite side of the House, to produce a single instance where power was given to take land compulsorily without convincing some other body, external to the body or person who desired to acquire the land, that it was necessary for the purposes they had in view.

To that rule there was only one exception. When the country was actually invaded by a foreign force the Minister for War had power to take land compulsorily for the safety of the nation. But fleets might conquer our shores and our national existence might be threatened, yet only on actual invasion was the Minister for War given the powers which it was proposed by this Bill to confer on the Estates Commissioners. He had based his Amendment on this point on the Allotments Act, 1887, amended as it had been by the Local Government Act, 1894. In that Act it was provided that if a parish council were unable to acquire by agreement and on reasonable terms land suitable for any purpose for which they were authorised to acquire it, they might represent the case to the county council, who should inquire into that representation. The body who wanted the land were the parish council; the body who investigated the claim were the county council. But the very first point the county council would investigate would be whether it was true that the parish council were unable to obtain, by agreement, land suitable for the purpose and on reasonable terms. There was something very repellant to him in enabling any body to acquire land compulsorily without the authority of some other body external to themselves. But he quite recognised that this Bill was framed altogether on different lines, and that if he were to propose an Amendment which would vest in some body external to the Commissioners the power of deciding whether or not they should take land compulsorily, it would disjoint the Bill and practically defeat it.

The noble Marquess the Leader of the House had said the other night that some of these Amendments looked as if they were designed to wreck the Bill. So far as he was concerned, he utterly disclaimed any such motive. His sole object was to mould the provisions of the Bill into harmony with the machinery of the various Acts which existed for the acquisition of land compulsorily and into some resemblance to justice, equity, and fairplay. It was impossible, without wrecking the Bill, to provide that in the first instance before any active steps were taken, some external body should be created with power to decide whether it was necessary to acquire the land compulsorily at all; but he had endeavoured, by the creation of an Appeal Court, to provide that that question should come up, and that the Court of Appeal, amongst the other things referred to it, would have power, jurisdiction, and authority, to decide whether upon the facts and circumstances proved before it it was necessary that the land should be taken compulsorily. That would be the first and the only occasion on which the task set in every other case to some authority outside the taking authority would in this case be discharged.

As the Bill stood it gave power to the Commissioners to take land where they pleased, when they pleased, and in what quantity they pleased, if they "deemed it expedient." He held that such a power was tyrannical and unjust, and it was no offence and no insult to the Estates Commissioners to say that it ought not to be given to them when it had not been given to any other body. The Estates Commissioners had peculiar views. He understood that they had at the present moment thousands of acres of land in their possession; he did not know the exact number of acres, but they had very considerable tracts, and it was perfectly competent for them to say that they thought it inexpedient to employ that land for the purpose of reinstatement, and that in their opinion it was more expedient to take other land compulsorily. The first object, therefore, of his Amendment was to require that they should show that they could not get the land they required by voluntary agreement, and to bring the question of the necessity of the application of compulsory powers before a tribunal of review. By his Amendment he also wished to provide that the owner of land compulsorily taken should not only be paid the price of the land, but compensation for any other loss he might sustain through being deprived of such land compulsorily.

Under the operation of the Lands Clauses Act hundreds of thousands of pounds, he might almost say millions, had been paid to the owners of houses and lands compulsorily acquired as compensation over and above the actual value of such houses and lands. One of the earliest cases was that of a man whose brewery was taken, and he was held to be entitled to be compensated for the loss he sustained until he could get another brewery. Under that law compensation for good will had grown up, and the necessity for introducing such a provision in this measure was emphasised by the principles which, in their evidence before the Royal Commission on Congestion in Ireland, the Estates Commissioners had laid down. He had been accused of doing an injustice to Mr. Finucane. It was far from his desire to do that gentleman any injustice, and he had re-read Mr. Finucane's evidence since and found that he did him no injustice. What Mr. Finucane had said was this, that with regard to grazing land he did not estimate the value by the income which the owner was receiving from it as used, but upon some estimate that he, or his subordinates, made—because, of course, the Estates Commissioners would do very little of this work themselves—as to what it would let for to a solvent tenant, and he capitalised that rent at a certain sum. Mr. Finucane had persuaded himself that people could get 3½ per cent. for money, and that therefore the landlord would not lose anything; but he forgot that from 70 to 75 per cent. of the land in Ireland was in settlement. That meant that the purchase money of the land must be invested in trustee securities, and he was a very fortunate trustee indeed who, at the present moment, could succeed in getting 3½ per cent. for money in a trustee security.

The principles of the Lands Clauses Act of 1845 had been adopted in legislation relating to education, in the Housing of the Working Classes Act, in the Sanitary Acts, and in the Allotments Act, and why should it not be adopted in this Bill? He had never heard any reason given. One peculiarity of this Bill was that, with the exception of this clause and half of another clause, none of it had been discussed in the House of Commons at all. He objected to anything so fanciful as a rent which might be fixed by the Estates Commissioners, more particularly as one of them, Mr. Bailey, after fifteen years training, told them that the fair rents under the Act of 1881 were fixed on no principle whatever.

His third object was to provide a Court of Appeal. He did not think it would be convenient to discuss at that point the structure of the Court of Appeal, but he had put down a subsequent Amendment setting up appeal machinery. In that he had slavishly copied from the provisions of the Bill of Mr. Gladstone in 1870; that ought to be a good authority for the Government of the day, although, of course, they had advanced greatly since Mr. Gladstone's time. He had also made use of the provision in the Act of 1898 which gave local government to Ireland. He wished to refer to this tribunal in the first place the necessity of taking lands compulsorily, and in the second place the amount of compensation to be paid according to the principles of the Lands Clauses Acts. The tribunal he proposed was the Judge of Assize for the county in which the lands in question were situated, or one of the Judges of the King's Bench Division; but he would not now discuss the details of that proposal. It was said that under the Lands Clauses Act of 1845 10 per cent. was added for compulsory purchase. There was nothing about 10 per cent. in that Act, but the habit of giving it in cases of compulsory purchase had grown up. There was a great deal to be said, he thought, for not giving that 10 per cent. when land was taken by the Estates Commissioners. He did not himself see why a landlord should get the bonus and also this 10 per cent., although he was conscious that his views on this matter might not meet with general approval.

On the question of an appeal, he pointed out that to grant an appeal was no aspersion of incapability, partiality, or dishonesty. It was only yesterday that noble Lords opposite argued in favour of appeal in criminal cases, and represented that, although a Judge of first instance was perfectly honest, and exercised his powers impartially and with a paramount desire to do justice, he might have views. He would acquaint their Lordships with some of the views of the Estates Commissioners as to what their functions were under the Act. Mr. Bailey, at page 186 of the Report of the Royal Commission on Congestion in Ireland, gave evidence of a landlord who was iniquitous enough to divide his grazing lands amongst his own tenants and to apply to have the lands so sold declared an "estate," so that by that means he might get the bonus, and have the benefit of the zones, because the zones only applied and the bonus was only given in the case of "estates," and therefore it was necessary, as a condition precedent both to the application of the zones and the obtaining of the bonus, that the land should be declared an estate by the Commissioners. This was the view of Mr. Commissioner Bailey as to this method of dealing with the grass lands—

> "It encouraged the land-hungry people to bid prices frequently out of all proportion to the value. The effort to raise the purchase money frequently led to borrowing and indebtedness that kept the people in poverty and misery and lessened the security for the repayment of advances of public money. Where this was not the case the system resulted in the land getting into the wrong hands. It enabled the sons of wealthier farmers and graziers to acquire the grass lands and took away all hope of bettering their position from the smaller and poorer people who most needed relief. The system of creating holdings by the payment of fines is, accordingly, discouraged by the Estates Commissioners, who refuse to declare lands so dealt with as 'estates' for the purposes of the Land Acts. The Estates Commissioners are always ready to make an estimate of the price of such lands when asked to purchase, with the object of carrying out the enlargement and creation of holdings, and the distribution of the land among suitable persons under their own supervision."

Later on he was asked—

> "You say the Estates Commissioners are always ready to make an estimate of the price of such land when asked to purchase. Previously you told us of landlords having grass land in their own hands who saw a means of making a considerable profit by dividing it up and throwing it on the market. I presume, and I think you told us, that that would be an extremely profitable thing for the landlord of the grass land?"

to which he replied—

> "Yes."

The next question put to Mr. Commissioner Bailey was—

> "When you told us you are ready to estimate the price of such land, is that a fact you take into consideration, that if the landlord had exercised what he would be allowed to exercise in any other country, the right of doing what he likes with his own—do you take that into consideration in the price you are going to offer him?"

To which the witness replied in the negative. Sir Antony MacDonnell then interposed and asked the witness to explain why he did not take it into account, and Mr. Bailey replied—

> "We can only offer him a price that bears a relation to the value of the land and the price at which we can resell it to the tenants we put into possession. If the landlord chooses to cut it up and sell it and make something in that way, of course he can do it, but he cannot expect us——"

That might be a good principle for a voluntary sale, but not when land was taken compulsorily and without reference to any outside tribunal. The answer was interrupted by Sir Antony MacDonnell, who said—

> "Does not the reason go still further back; that Parliament in its wisdom has enacted a measure which is for the good of the community as a whole, and that that measure lays down the rule that landlords in disposing of their property should only do so in accordance with the spirit of the measure?"

He did not know where Sir Anthony MacDonnell found that rule. It was not in the Act nor in any speech that was made by anyone on the Government side. The principle on which land had been acquired for great public purposes was that if the public wanted the land full value must be paid to the owner. To the question put to him by Sir Antony MacDonnell, Mr. Bailey replied—

> "Our grounds for refusing to declare an estate are that it is not fit to be declared an estate for the purposes of the Land Act."

His Majesty's Government, in this Bill, were grievously contravening the spirit of the Land Act of 1903, because the leading principle of that Act was that the transaction should be voluntary, and from that fact it was hoped would spring the peaceful and beneficent spirit that would allay the strife which was poisoning the life of Ireland. He made no charge against the honesty of these men, but he could not help remembering a very shrewd remark he once heard, that "An established character for honesty is too great a temptation for any man." He begged to move his Amendment.

Amendment moved—

> "In page 1, lines 5 to 13, to leave out Subsection (1), and to insert the following new subsection: 'If the Estates Commissioners are unable to acquire by agreement and on reasonable terms suitable land for the purposes of this Act, and if they have offered to the person appearing to them to be the owner of any land which, by reason thereof, they desire to acquire compulsorily for such purposes, compensation for the loss which would be sustained by the owner by being deprived thereof, and he has not within the prescribed time accepted the offer, they may, subject to the provisions of Subsection 8 of Section 2 of this Act, acquire that land compulsorily for those purposes in accordance with the provisions of this Act, and shall declare any land so acquired to be an estate.'"—(*Lord Atkinson.*)

*THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): My Lords, as the House will clearly perceive, this Amendment, or series of Amendments, is of the very first importance, and it has been introduced by the noble and learned Lord in a speech marked by no small amount of humour and also by a clearness and lucidity which I admire but cannot hope to imitate. I think, if he will allow me to say so, that the noble and learned Lord did wisely in travelling to some extent outside the purview of this particular Amendment, because it was impossible, without reference to the fact that he desires to establish a Court of Appeal, to make the provisions of his Amendment to the first clause clear. The noble and learned Lord said, and I need not say that I quite believe him, that he does not design these Amendments for the purpose of wrecking the Bill. But I do not think it will be very difficult to point out to your Lordships that if these Amendments are carried and are insisted upon the effect will be to destroy the entire purpose of this measure.

The noble and learned Lord does not desire—at any rate, if he desires it he does not carry out his desire—to abolish compulsion altogether, because he knows very well that to do so would be equivalent to throwing out the Bill on Second Reading, for the Bill depends upon compulsion and nothing else; but he desires to limit the operation of compulsion so far as it ever has been limited by previous legislation on other subjects and possibly even a little further. The general effect of this series of Amendments would be to apply the Lands Clauses Acts to this land taken for the purpose of reinstating evicted tenants. The operations of the Lands Clauses Acts are very familiar to most of your Lordships. Many of you, I have no doubt, have carried out transactions, I hope of a profitable character, under those Acts. Under them it is customary to give compensation for damage done by severance, and to give, in addition, 10 per cent. in respect of the compulsory purchase and sometimes even more. The noble and learned Lord very fairly said that it seemed to him that if the landlords were given the bonus it would not be reasonable also in all cases to ask for the ten per cent. extra; but I noticed that that observation was not received with anything like uproarious applause on the other side of the House. On the contrary, I think it passed in absolute silence.

Now consider what would happen, assuming compulsory purchase under this Bill to take place under the Lands Clauses Act. It may be taken, I suppose, as an absolute axiom, at any rate as the result of long experience, that prices obtained under the Lands Clauses Act are higher than those which are obtained by the ordinary operations of sale and purchase. The vendor under the Lands Clauses Act is always assumed to be unwilling—even although he may possibly be delighted at the transfer—and he is treated as if he were an unwilling seller. That being so, it surely is obvious that, if you are going to get a higher price by dint of using the Lands Clauses Act for this purpose, no vendor of land will ever enter into a voluntary agreement unless he gets the same price by that agreement as he might hope to get by means of application to the tribunal. That, again, I think, is the common experience of those who are used to transactions under the Lands Clauses Act.

As a matter of fact, it is in the experience, I think, of many of us that higher prices are often obtained by agreement because of the Lands Clauses Act, and very often higher than could possibly be got if the matter went to arbitration. If that is so, I venture to submit that practically no transaction under this Bill will ever take place at all, because the treatment of these sales as matters for compensation will cause so great a difference between the amount which the landlord will receive and the price at which the land can be resold to the tenant purchaser that it will be altogether impossible for the Estates Commissioners to enter into these transactions at all. The difference has to come from somewhere. Where is it to come from? Is it to come out of the bonus or out of the Imperial Treasury? I think it is almost unnecessary to remind noble Lords that the Treasury are not likely to make themselves liable for any indefinite possible charge of this kind. I assume with equal certainty that noble Lords opposite would not desire that the Purchase Aid Fund should be similarly liable; and under those circumstances I submit that if you apply the terms of the Lands Clauses Act to these transactions it simply means that no transactions will take place at all.

But, my Lords, it goes further than that, because supposing some transactions do take place on this higher scale, the Estates Commissioners will incur the risk of running up the value of all the land in Ireland which they may afterwards wish to acquire by agreement. They are accused by noble Lords opposite of desiring to depreciate the value of all the land in Ireland by paying low compulsory prices for certain parcels, and it is assumed that the effect will be disastrous upon the value of land in Ireland generally; but surely it is equally true that, if you compel them to pay fancy prices under the Lands Clauses Act for certain parcels of agricultural land, you will be doing the precise opposite—that is to say, you will be running up the price which landlords are likely to demand for land all over Ireland. That is one set of considerations.

But there are other considerations. The noble and learned Lord desires that if the Estates Commissioners are unable to acquire by agreement and on reasonable terms suitable land they may in the last resort apply compulsion. If he means that the question whether suitable land cannot possibly be obtained elsewhere by agreement is one on which there is to be an appeal, let us consider the amount of possible delay and difficulty that would be caused by such a provision. It seems to me to open up a vista of endless discussion and recrimination between the vendor and the Estates Commissioners. And these appeals, long, complicated, and expensive, are to be paid for out of public money. I ask the House whether it is conceivable that those who are responsible for the finances of the country would agree to enter into possible liabilities of that kind.

It appears to me that noble Lords have not entirely grasped the root idea of this Bill. Nobody disputes that it is quite possible to reinstate all the evicted tenants in Ireland by means of agreement if you give time enough. It is undoubtedly true that the Estates Commissioners could in the course of the next fifteen years acquire by agreement sufficient land of one kind or another to put these people back, and, therefore, the whole case for this Bill rests on the necessity for doing this work in a short space of time. Therefore, unless this operation can be carried through in a comparatively short time there is not the least object in passing this Bill. If noble Lords are right in thinking that the matter is by no means urgent, that it is perfectly satisfactory for these transactions to go on *pari passu,* in Lord Donoughmore's words, with all the other transactions, with the possibility of not concluding for fourteen or fifteen years or possibly longer, in that case noble Lords, from their point of view, would be right in rejecting the Bill altogether. But if you embroider the Bill with provisions of all kinds which involve either indefinite delay or an indefinite addition to the cost, so far as we are concerned the effect will be precisely the same as voting against the second reading of the Bill.

That is why I say these Amendments of the noble Lord will have the effect, though I dare say they have not the intention, of defeating the Bill. If the Government are asked to proceed under the Land Clauses Acts, or if the Estates Commissioners are to be forbidden to obtain the land they want, no Bill is required, and although in our opinion the consequences to the peace of Ireland may be exceedingly grave, noble Lords would have to take the responsibility for that state of things. On the question of an appeal as to whether a particular piece of land should be taken compulsorily I am afraid we are not disposed to compromise; but we regard an appeal on value as a different matter, and we shall be willing to discuss it with the noble Lord.

LORD ASHBOURNE said he had listened attentively to the speech of the noble Earl the Lord President and was not sure that the noble Earl himself had very definite views as to the first clause. The noble Earl had said that the Amendment might tend to wreck the Bill, but had not given any reason for that statement. Nor had he defended the clause in the Bill as a reasonable, intelligible, or just clause. The noble Earl had not said a syllable in defence of it.

What was the position at the present time? The whole of the land legislation of Ireland was based upon the voluntary principle. The evicted tenants were dealt with under the voluntary system in the Act of 1903, and upon that Act there had now been built up a grievance which, it was said, demanded a supreme, urgent, and revolutionary legislative measure. The noble Earl had himself said that this Bill was not intended to apply to impossible tenants, and Mr. Birrell had declared that it was intended to apply only to those who in an agrarian war had come to grief. But the Bill was so wide that it included not only the Plan of Campaign tenants, the dupes and sufferers of an agrarian war, but also every tenant evicted within a large number of years—it might be because he had been thoughtless, because there were years of arrears of rent, or because he had not succeeded and could not succeed, and was, therefore, an impossible tenant. There was no restraint as to the cause or reason for the eviction. Nearly all the Plan of Campaign estates were provided for; there were only seventeen estates in all, fifteen of which had been dealt with, and in regard to one of the remaining two negotiations were taking place, so that there was only one estate outstanding at the present moment. The bulk of the evicted tenants remaining were, therefore, tenants who had been evicted by the ordinary process of law chiefly for the non-payment of rent. He pitied anyone in misfortune, and was not against the principle of restoring the evicted tenants to a position of happiness;

but the suggestion that there was any supreme urgency in dealing with this topic obviously required considerable explanation. It was only by straining language that they could call this matter urgent. A great many evicted tenants had been restored under the voluntary system in the Act of 1903, and that process was going on easily and smoothly at the present moment. The power compulsorily to take land had always been cautiously used, an honest price —to quote the words of the present occupant of the Woolsack—had always been paid, and it had always been subject to legitimate appeal. The Estates Commissioners were only human, and if they were given uncontrolled power to select land where they pleased, was it not reasonable to ask that their action should be reviewed by fresh and independent minds? This was a novel and startling position. As Lord Atkinson had pointed out, the Commissioners were to be given an absolute charter, without check, guidance, or control, to go into any part of Ireland and to take as much land as they liked, where they liked, and to measure the price without appeal. Had the noble Earl, in his opening speech that day, said one solitary syllable——

*THE EARL OF CREWE: May I interrupt the noble and learned Lord? I was not making an opening speech. I was endeavouring to deal with the Amendment of the noble and learned Lord opposite.

LORD ASHBOURNE said that, being an Irishman, he called that an opening speech. This was an Amendment of the first importance. It suggested, first, that compulsion should only be employed if the Commissioners were unable to get land voluntarily. Was it not reasonable that they should only be allowed to grasp a man's land compulsorily when it was unattainable voluntarily? As to the second point of the Amendment, was it not the most common principle of justice that when land was taken compulsorily fair compensation should be given? Coming to the question of an appeal, the noble Earl opposite seemed to indicate that there was some point on which he would consider it reasonable to give an appeal, but he did not see why there should not be an appeal which would search the whole transaction from beginning to end.

*LORD EVERSLEY said that as this was the first of a long series of Amendments which, whatever their intention might be, would have the effect, if carried as a whole, of defeating the Bill, and, at all events to whatever extent they were insisted upon and were accepted in the other House, of making the Bill distasteful to the great body of Irish Members, he hoped he might be allowed to make a few general observations upon the policy of mangling the Bill. He thought that when their Lordships looked back at past legislation relating to Irish land, they would find that almost without exception the attempts of that House to interfere with the Bills which had come up from the other House, supported by the great majority of Irish Members, had been a failure in the sense that they had made legislation of a more extreme character necessary, and the very object that they had in view was defeated. He would give a few illustrations, and would take first the Land Act of 1870. He well recollected that when that Bill was before their Lordships' House, Lord Salisbury and Lord Cairns made speeches on the subject very similar in tone and substance to that which they had heard on Tuesday last from the noble Marquess the Leader of the Opposition. It was said that the Bill was thoroughly bad in every respect, that it was unsound in principle and bad in detail; but their Lordships decided that, in view of the state of Ireland, it was not desirable to reject the Bill, but that, on the other hand, it should be considerably amended. The House of Lords then proceeded to adopt a long series of Amendments which completely altered the character of the Bill. Most of those Amendments were ultimately defeated, but the other House of Parliament, fearing the loss of the Bill altogether, accepted some of them, and it was not long before it was proved that those Amendments were most serious in their results. Then came the crisis of 1879, when there was great distress in Ireland owing to a succession of bad harvests. It was found impossible for large numbers of tenants to pay their rent, and the better landlords of Ireland made large abatements, but the minority of bad landlords insisted upon full payment, and began to evict on a large scale. Then the defect he had mentioned in the Act of 1870, which was due to their Lordships' Amendments, showed how unwise those Amendments had been, and the Government of the day, at the instance of the great majority of the Irish Members, felt themselves compelled to introduce a temporary measure for the purpose of meeting the evil, and of limiting eviction by giving compensation.

THE EARL OF MAYO inquired whether the discussion should not be confined to the definite Amendment before the Committee.

*LORD BALFOUR OF BURLEIGH (who was in temporary occupation of the Chair) said he thought it would be in order to refer to incidents of previous history only by way of illustration, but not to discuss them on the merits in detail.

*LORD EVERSLEY said that was just what he was doing. He was proceeding to say that the Government of the day then introduced the Compensation for Disturbance Bill. Their Lordships threw that measure out, and as a result a series of agitations occurred in Ireland when evictions took place; and in the following year it was necessary for Parliament to pass a measure which went far beyond that of the previous year and showed the unwisdom and impolicy of their Lordships in rejecting the Compensation for Disturbance Bill. The Act of 1881, which affected the greatest agrarian revolution ever carried in any country, was finally passed into law; but again their Lordships inserted Amendments of a serious character, which the House of Commons felt itself unable to resist, but the demerits of which afterwards appeared.

He was surprised to hear the noble Marquess the Leader of the Opposition state, during the Second Reading debate on this Bill, that the Act of 1881 was complete, and that since then no tenant in Ireland had lost his farm by eviction unless he had brought that eviction upon himself. The noble Marquess was Governor-General of Canada, and out of this country, between 1881 and the passing of the Act of 1887. Events then occurred which necessitated an amendment of that Act in 1887. There occurred a second agrarian rising. From the land legislation of 1887 this question of the evicted tenants was left over, and had continued a running sore up to the present time. In 1894 Mr. Morley attempted to deal with it by a moderate measure proposing reinstatement of these tenants as tenants, but that Bill was unwisely rejected by their Lordships. The late Government endeavoured to deal with it in the Act of 1903—a good measure—but being permissive it lacked backbone, and was not final or complete. The present Bill was the natural supplement, and looking back at the past history of land legislation should convince their Lordships that it was unwise to introduce Amendments contrary to the expressed wishes of the representatives of the people. It was of no use to provide remedies that would not be accepted by the people for whom they were intended. With regard to the specific Amendment, it practically meant the application of the Lands Clauses Act, adding immensely to expense and delay in the procedure.

LORD ATKINSON said there was no proposal that this matter should be dealt with under the machinery of the Lands Clauses Act; it was merely that the principle of compensation should be the same.

LORD EVERSLEY said he quite understood that, but he thought to whatever extent the proposal was made it was not a wise one. It was not acceptable to the majority of the Irish Members, and he ventured to say that on that ground alone their Lordships would be wise in rejecting it.

THE EARL OF DONOUGHMORE said he would not follow the noble Lord into his memorandum upon the Book of the Irish Attorney-General on Irish land law, or make Second-Reading observations on the Bill; he would simply deal with the objections of the Lord President to the Amendment. The first objection was that the Amendment would destroy the principle of the Bill. The object of the Amendment was to assure an honest price being given for the land. He had ventured to assert on the Second Reading that the principle of the Bill was to secure land at a dishonest price, and the speech of the Lord President went far to prove that. The second objection was that the Amendment would initiate the system of the Lands Clauses Act; but that had been conclusively denied. It would ensure a fair price being fixed by a Judge of the High Court. It was objected that this would be too high a price to allow of the land being sold to the tenant; therefore the landlord was to take a lower price than the land was worth. Did obviating that destroy the principle of the Bill, and was it wrong to destroy such a principle? The noble Earl said the system of appeal would be too expensive. Well, this was the first time he had heard it urged in that House that a subject of His Majesty was not to have justice because that justice would cost too much.

*THE EARL OF CREWE: I think the noble Earl forgets that when people go to arbitration they usually pay their own expenses. In this case the expenses are paid by the Treasury.

THE EARL OF DONOUGHMORE said this was offered by the Government. It was in the Bill at their initiative. The noble Earl had given them ground for thinking that they might be allowed an appeal on the question of value. So far so good. He was sure they would be very grateful for even that; but why should they not have an appeal on fact? Clause 6 defined lands which were not to be taken under the Bill. Was it not reasonable to suppose that countless questions would be raised as to whether a particular thirty or forty acres came within the definition of that clause or not? Was it fair that these questions should be decided by the purchaser without appeal? If noble Lords opposite were going to maintain that the purchaser should be allowed to decide these questions without appeal they could join issue, and he scarcely thought that such a contention, so contrary to all precedent, would commend itself to the country generally.

THE LORD CHANCELLOR (Lord LOREBURN): My Lords, I will endeavour to emulate the brevity of the noble Earl, who has spoken closely to the Amendment, though he has misapprehended some of the observations of my noble friend the Lord President of the Council. The principle of compulsion is not struck at by the Amendment, and an objection to that principle is a matter for the Second Reading. The complaint that there is no limitation to the Bill is not a subject dealt with in this Amendment, and is a matter for special and separate consideration when we reach it. The question whether there is urgency for this Bill is, it seems to me, a matter for the Second Reading; but I hope I may be permitted to say, as the mouthpiece of the responsible Government, that we think there is great urgency and great necessity for a measure of this kind in the interest of peace and good government in Ireland. I say that with all the emphasis I can, and speaking on behalf of my colleagues, and therefore I should like to prepossess your Lordships with a favourable view towards this Bill, provided, of course, that the Bill is a fair Bill. I hope none of us would desire to make unfair propositions, although we may differ as to what is fair.

I have not been able to look through Clause 6 since the noble Earl, Lord Donoughmore, referred to it, but my impression is that it is prohibitive, and that if the Estates Commissioners were to act contrary to that clause they could be restrained by the Court as it is. Under the Amendment the Court of Appeal, before the question of value was come to, might have to decide—first, whether in a particular case the Estates Commissioners were unable to acquire by agreement and reasonable terms suitable land; and, secondly, whether upon the facts and circumstances proved in evidence before them the compulsory acquisition of the land was just and reasonable. All that would mean a very large addition indeed to what I may call the litigious machinery of the Bill. Then as to the question of value, the clause as it stands provides that the owner is to be paid the fair market value of his land; and in addition to that he is to get the bonus of 12 per cent. Is it a fair use of language to say that that proposal is dishonest? I think myself that it is a very fair proposal. I can only say that if the Amendment is insisted upon it will clog the Bill in point of time, business, and money. Noble Lords opposite say they have no desire to wreck the Bill. I am sure they have no desire either to put difficulties in the way of the Government, who, whether worthy or unworthy, are responsible for good order and peace in Ireland.

LORD MONTEAGLE OF BRANDON said that even the Lord Chancellor had hardly addressed himself to the main point under the consideration of the Committee at the moment. It was quite true that the clause as it stood provided that the owner was to be paid the fair market value of his land, but it was to be what appeared to the Estates Commissioners to be the fair market value. That was the whole question in dispute, and it was the point raised by the Amendment. He supported the Amendment, but his action in doing so was very far indeed from that of a wrecker. He hoped their Lordships would not sanction the novel principle that the Estates Commissioners should not only purchase, but decide the price of the land.

*THE MARQUESS OF LANSDOWNE: My Lords, the speech of my noble and learned friend behind me necessarily covered a good deal of ground, because, consulting, as I think, the convenience of your Lordships, he laid before us fully the whole scheme of Amendments of which this particular Amendment forms a part. But the question upon which we shall presently have to vote is a comparatively restricted one. That question, I take it, to be this: Are your Lordships content that the final decision upon these questions of the necessity for compulsion and of the amount of compensation to be paid to the person against whom that compulsion is exercised shall in all their bearings be left to the Estates Commissioners? I do not think I misinterpret the feelings of your Lordships when I say that those, at any rate, who sit on this side of the House feel very strongly indeed that it is impossible for us to place the Estates Commissioners in that position.

My noble and learned friend, at the outset of his remarks, threw down a challenge to the House. He said: Can you show me any case in the legislation of this country in which this power of compulsion has been committed to any public authority without an appeal to some external tribunal? The glove which my noble and learned friend threw down still remains upon the floor of this House. In our view it is improper that these gentlemen, owing to the position which they occupy under this Bill, a position which really makes them the promoters of these schemes, should be not only the promoters of them, but also the final arbiters as to the terms upon which those schemes should be carried out. And we are obliged to add, in common candour, without making any imputation whatever upon the integrity of these gentlemen, that their antecedents, the atmosphere in which they move, the language they hold, as recorded in the reported evidence given before the Congested Districts Commission, render it unlikely that, in our opinion, when they come to deal with these questions they will do so in a judicial frame of mind.

There is a word in this Amendment which seems to me of the utmost importance. My noble and learned friend proposes that when compulsion is exercised "compensation" should be paid to the person against whom such action is taken. One would have thought that this was so obvious a proposition as to need no defence or explanation. But there is a wide difference indeed in our minds between the import of this word "compensation" and the import of the word "price," which it will replace if the Amendment is carried. The price to be paid would under this Bill be fixed solely with reference to the personal opinions and anticipations of the Estates Commissioners. There is nothing to suggest the idea that any regard whatever is to be had to the loss which will be sustained either by the tenant farmer who is turned out to make room for the planter, or by the landlord whose untenanted land is taken up for a similar purpose.

We Irish landowners have had a very bitter lesson as to the consequences of the absence of the kind of principle which my noble and learned friend desires to introduce in this clause. At present rents are being valued all over Ireland upon no principle whatever, and that has been so from the regrettable moment when it was determined to leave out of the Land Bill of 1881 any attempt to define what a fair rent ought to be. The result has been that the sub-Commissioners have themselves had occasion to lament the fact that they have been, to use the expression employed by one of them, turned out without chart or compass to fix rents all over Ireland upon no known standard. That is what we want to avoid in this case.

What, then, is the counter proposal of His Majesty's Government? The Lord President has, it seems, a holy horror of procedure under the Lands Clauses Act, but the Amendment of my noble and learned friend does not imply the adoption of the whole of the machinery of that Act. What, then, is the proposal? I welcome gratefully the announcement the noble Earl made that in regard to the question of compensation His Majesty's Government are prepared to grant an appeal. I welcome that as a very important admission, which *pro tanto* goes a considerable distance to meet our objection. That would deal with the question of value. But why are we to be told that we are unreasonable in asking for an appeal on other important questions which arise under this Bill? For example, the question whether a person who is being turned out of his holding in order to make room for an evicted tenant is really a *bonâ fide* farmer entitled to the considerate treatment which the Lord President has always claimed for men of that class, is one which I do not think ought to be left simply to the *fiat* of the Estates Commissioners.

Then, again, there is the application of the sixth clause dealing with the restrictions as to untenanted land which may be taken for the purposes of the Bill. Let me say, in passing, that this is a clause in which I recognise a desire on the part of His Majesty's Government to deal fairly and reasonably with the persons who will be affected by this measure, but surely it is not unreasonable to suppose that there may be cases of very great hardship, unless some opportunity is offered to the landowner of protesting against the decision of the Commissioners, who, it must be remembered, are advised by their subordinates, many of whom are persons of very strong political tendencies. We fence in all other cases of the exercise of compulsion by precautions of this kind, and why not in this case? You are, by the admission of the Government, dealing in a very unusual way with property; why, then, should you neglect these precautions?

The noble and learned Lord suggests that by so doing we should clog the Bill, and that there would be innumerable appeals. I do not see in the least why that should be the case. The value of a Court of Appeal in a case of this kind is that the knowledge of its existence steadies the Court below. For my part, I believe that if you will give us either the kind of appeal which my noble and learned friend desires, or some equally substantial appeal, the effect will be that the Estates Commissioners and their myrmidons would be very much more careful how they do their work, and that in all probability the actual number of appeals will be comparatively small. I admit that it would be unfortunate if anything happened to protract the proceedings under this Bill to an indefinite extent, but, my Lords, permit me to say, as I resume my seat, that there is a much worse possibility than that of delay, and that is that a great wrong and injustice may be done.

*THE LORD PRIVY SEAL (The Marquess of RIPON): My Lords, I should not have troubled your Lordships with any remarks on this Amendment if it had not been for something which fell from the noble Marquess who has just sat down with reference to the Estates Commissioners. As far as the legal aspect of the case is concerned, I may safely rest on what has been said by my noble and learned friend the Lord Chancellor. Both he and my noble friend the Lord President have pointed to the possibility of an appeal in certain cases and in certain circumstances. I think it is very unfortunate that the noble Marquess should have used language, perhaps unintentional, which will rather tend to diminish the credit of the Estates Commissioners. My noble friend said he thought there would be very few appeals even if they were to be permitted. I am quite sure that if you discredit the Commissioners appeals are likely to be very numerous. But, my Lords, who are these Estates Commissioners? They are gentlemen who were appointed by the Government of which my noble friend opposite was a member, and it is a little hard that you should turn round now upon the men you yourselves appointed and speak of them in what I must say are very disparaging terms. I know that one of the Commissioners greatly offended a Member of the other House of Parliament, who addressed to him a very singular letter. But I venture to say that these gentlemen, who were selected by the late Government, are gentlemen of very high character, perfectly fit to be entrusted with the duties which will devolve upon them. I do not know any of the Commissioners myself, but I do know the reputation of Mr. Finucane, who was a Civil Servant in India while I was Viceroy, and I know he did his work very well. I hope that in the course of this discussion noble Lords will remember that these Commissioners are to continue. They will have a great and important work to do, and it is a mischievous thing to disparage them in any way that is likely to weaken their authority.

The Marquess of LONDONDERRY denied that the Leader of the Opposition had used any expression containing a note of disparagement in regard to the Commissioners. The late Government appointed those gentlemen to carry out their present duties, and never for a moment imagined that they would afterwards be given the extraordinary powers which were now proposed, powers which were virtually autocratic. If the Bill were dropped in consequence of this Amendment the responsibility would rest with the Government. The Lord President had alluded to the question of costs in regard to appeals, and had stated that in cases where land was taken compulsorily the costs were paid by the parties concerned. That was not accurate. He believed that in all cases in which land was taken for railway purposes the costs were paid entirely by the company acquiring the land, and he believed they also paid the cost of proving title and the expenses connected with the investment of the purchase money.

*The Earl of CREWE: That is perfectly true. I was merely speaking of the employment of public money for this purpose.

The Marquess of LONDONDERRY said it might be public money, but it came to the same thing so far as the person was concerned whose land was compulsorily taken. He could assure the Committee, on behalf of himself and noble Lords closely connected with Ireland, that they had not the slightest desire to wreck the Bill. Without injuring the Bill, they had put down Amendments with the object of preventing injustice being done. Moreover, it should not be forgotten that a large portion of the provisions in the Bill had not been discussed in the other House.

The Earl of MAYO felt bound, as one who had sold land to the Commissioners, to say that he had always found them carry out their duty to the best of their ability, and if the money had been provided these evicted tenants would have been put back. If they had had sufficient staff and sufficient money given them to work the Act of 1903 properly the evicted tenants question would have been dealt with *pari passu* with the estates, and their Lordships would not have been troubled with this Bill. They must remember that already under the voluntary system over 1,000 tenants had been put back, and fifteen out of seventeen Plan of Campaign estates had been settled with. Only two estates were still left to be dealt with, and in regard to one it was only a matter of price. The Estates Commissioners had not been given sufficient money and sufficient staff, so the Government said, "We will give them compulsory powers." In the past the Estates Commissioners had done their best under very difficult circumstances, but the compulsory powers now proposed to be given them were a great deal too large.

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Proposed words there inserted.

*LORD CLONBROCK, who had on the Paper an Amendment to provide that—

> "A register shall be kept by the Estates Commissioners of the persons reinstated under this Act, with their names and addresses, and the number of acres of land in which they shall have been reinstated, which register shall be open for public inspection,"

said that on further consideration he was disposed to think that this was not the best way to effect his object, which was that persons should be able to obtain information as to the operations of the

Estates Commissioners. He thought it would be far better that the Commissioners should be instructed to publish periodical Returns as they now did under the Act of 1891. In these circumstances he did not intend to move his Amendment, but would bring up a new clause at a later stage. But he would like to know the views of His Majesty's Government on the subject.

*THE EARL OF CREWE: My Lords, we should have no objection to the noble Lord's Amendment as it stands, provided he would agree to a slight alteration. The term "persons reinstated" is not a correct one. It should be "persons provided with parcels of land," because they are not all reinstated. Similarly at the end of the Amendment the words should read "land with which they have been respectively provided," instead of using the word "reinstated." I understand that the noble Lord wishes to bring up his Amendment in an amended form, and in doing so perhaps he will bear in mind that these phrases should be used instead of the words in the Amendment as on the Paper.

THE EARL OF MAYO proposed an Amendment to limit the operation of the Act to evicted tenants whom the Estates Commissioners had, prior to 1st November, 1907, determined to be fit and proper persons to become purchasers under the Land Purchase Acts. The Commissioners knew at present the number of applicants they wished to reinstate, and it was not desirable that their decisions should be re-opened. If there were any applications beyond the number referred to, the Commissioners would have ample time to deal with them in the interval between the passing of the Bill and 1st November. It was also in the interests of the Commissioners themselves that the cases they had decided upon should be closed, and that pressure should not be brought to bear upon them by undesirable persons who ought not to be included. As they knew, pressure of all sorts could be brought on people in Ireland in this matter, and he therefore thought it should be closed altogether by 1st November next. He hoped the Government would see their way to accept the Amendment.

Amendment moved—

"In page 2, line 2, to leave out the word 'consider' and to insert the words 'have prior to the first day of November one thousand nine hundred and seven determined.'"—(*The Earl of Mayo.*)

*THE EARL OF CREWE: This Amendment forms part of a series of Amendments which might be moved with regard to limiting in some degree the scope and operations of this Bill, either by time, or by numbers, or in some other way; but I hope the noble Earl will not press this particular form of limitation. It is true that the Estates Commissioners have provisionally placed upon the list a considerable number of names, but I take it that they are not prepared to say that all those provisionally placed on the list ought ultimately to be provided with holdings. On the other hand, they think that it is quite possible that a few—and even if there were only very few it would be a hardship—deserving people might be left out if the date is fixed as proposed by the noble Earl. We are not opposed altogether to the principle of some form of limitation on the operation of the Bill, as I shall be able to explain on the next Amendment; but I hope the noble Earl will not press this particular form of limitation.

THE EARL OF MAYO: Is there to be no finality in the operation of the Bill?

*THE EARL OF CREWE: The noble Earl's Amendment does not deal with the operation of the Bill. The limitation of the Bill is one thing, but it is another thing to say that a certain individual, however deserving you may find him to be, six months hence cannot possibly be reinstated in his holding. The Estates Commissioners think the Amendment undesirable, because there is a possibility of real hardship being inflicted on deserving people in a few cases.

*THE MARQUESS OF LANSDOWNE: I was very glad to hear the noble Earl the Lord President announce that he was not opposed to the principle of limiting the operation of this Bill, because nothing could be more disastrous than that proposals of this kind should remain indefinitely open. There are limits of three kinds that might be imposed—a limit of time, a limit of number, and a limit of money. I gather that the Lord President is prepared to make a statement on this point further on in the Bill. Is that so?

*THE EARL OF CREWE: Yes, on Lord Londonderry's Amendment.

THE MARQUESS OF LANSDOWNE: If there is to be a limitation of any kind, a time limit does seem to me a most reasonable thing to propose; and if the particular date suggested by my noble friend Lord Mayo seems to the Lord President too near at hand, I suggest whether he might not name a rather later one that would give a sufficient margin of time for his purpose. It should be remembered that quite lately a Member of His Majesty's Government announced that the Government knew the exact number of cases with which they had to deal.

LORD ASHBORNE appealed to the Government to have some regard to the health of the Commissioners. No constitution could bear up against the labour that would be involved if a date limit were not inserted. Unless that were done, the sooner the Estates Commissioners insured their lives the better.

THE EARL OF MAYO suggested December 31st, 1907. He held that this date would give the Commissioners plenty of time to fill up any gaps in the numbers.

*THE EARL OF CREWE: I am afraid I did not make myself quite clear. There are two kinds of limitations. We should be prepared to consider a time limit after which no tenant should be restored to his holding. But we do not want to make a time limit against individuals.

THE EARL OF MAYO said he would withdraw his Amendment at this stage, and bring it up on Report if no time limit were introduced.

Amendment, by leave, withdrawn.

THE MARQUESS OF LONDONDERRY moved an Amendment limiting the operation of the Bill to 2,000 evicted tenants. He contended that there must be some limit to the number, and this Amendment would bring the Bill into accord with the opinion expressed by the Chief Secretary in another place. It might be argued that the Bill did limit the number of tenants whose applications were to be considered. He did not deny that entirely. But the Bill did not specify, as he thought it should, and as the Chief Secretary evidently thought it did, with any degree of certainty that the number of 2,000 was to be the number on which the Government would act. Mr. Birrell's words were—

> "We have to appreciate what the limited purposes of the Bill are. They are the reinstatement of those 2,000 scheduled or named persons compulsorily."

But that left a very open door. At present there were about 6,500 so-called evicted tenants whose claims to be reinstated had been rejected, and if the limit was not definitely settled the Government would be pressed to admit more of them. This was really a question of opinion. The Estates Commissioners thought these persons ought not to be reinstated, but the tenants themselves naturally thought they ought to be; and unless some definite limit was fixed they would not be able to arrive at a conclusion which would settle the question once and for all. If they were going to leave this question open they would be adding greatly to the difficulties of the Estates Commissioners, whose chief work was to promote the sale and transfer of land. They had been taken away from their real duties for the purpose of deciding what applicants were qualified to be reinstated, and unless the limit which he proposed was inserted the time when the Commissioners would return to the duties for which they were appointed would be very far off. Meanwhile they were creating a false hope in the minds of the applicants, and rendering the position of the sitting tenant extremely unsatisfactory. In 1903 Mr. Dillon, whose opinion was endorsed by Mr. Redmond, stated the number of evicted tenants to be 400; now the number was said to be 8,500; how were they to know that in the next three or four years the number would not continue to grow?

Amendment moved—

> "In page 2, line 4, after the word 'Acts' to insert the words 'not exceeding two thousand in all.'"—(*The Marquess of Londonderry.*)

*THE EARL OF CREWE: My Lords, I dealt with this question as fully as I could on Second Reading, a fact which, I think, has escaped the recollection of the noble Marquess. At that time I said there were three possible forms of limitation that you might add to the Bill—a limit of time, a limit of numbers, or a limit of area, and I endeavoured to show why, of the three, the most objectionable in our opinion was that of the limit of numbers. When I saw the noble Marquess's Amendment I was half sorry I had not expressed a preference for a limit of numbers and a strong distaste for the others, because I thought that might have been the reason he put it on the Paper; but, as a matter of fact, he does not seem to have remembered that I addressed myself to the subject at all. I gave them various reasons why, in our opinion, a limit of numbers was an unfortunate one. The noble Marquess has just said that Mr. Dillon and Mr. Redmond made an estimate which proved to be wrong. I should have thought that that fact in itself, considering what good judges Mr. Dillon and Mr. Redmond ought to be, would show how dangerous it was to put in an exact limit of numbers. If you fix a very low limit you run the risk of leaving somebody out who ought to be in; on the other hand, if you fix too high a limit those who have applied will take that maximum as a standard and will feel aggrieved if you do not work up to it. If there is to be a limitation, we think that the best is a limit of area, and we should be prepared to consider such a limit, for which I quite admit a good deal is to be said. I understand that Lord Mayo desires to bring up his time limit on a future occasion as against the other form of time limit which I suggested as a possibility, namely, a time during which the Bill should be in operation. That, of course, is an alternative, and those two proposals can, no doubt, be considered together when the time comes. I strongly object to the noble Marquess's Amendment limiting the numbers, but we should be prepared to consider the question of limiting the area.

LORD ATKINSON said they would find themselves in inextricable difficulties if they inserted a limitation of area. The claims sent in numbered 8,500, and the 5,000 whose claims were rejected were in anything but an agreeable frame of mind. He understood that the area that was suggested was 80,000 acres, calculated at forty acres per man. Forty acres was a great deal more extensive than many of the farms out of which these people had been evicted, and those applicants who were disappointed would not be content to see the 2,000 selected returned to farms of forty acres; it was inevitable that agitation would again arise. An agitation would be set on foot to divide the 80,000 acres between the whole of the applicants. Nobody could contend that it would not be desirable, so far as the peace of Ireland and the labours of the Commissioners were concerned, to put an end to the agitation and to the applications for reinstatement. So long as they kept the matter open, and so long as they permitted the condition of any particular district to guide them in any way in selection, so long would they make agitation and intimidation profitable. As to the noble Earl's statement that it might be difficult to fix 2,000 because some few cases might be thereby excluded, he would remind the Committee that the Chief Secretary had again and again stated in the House of Commons that he believed he had arrived at the right number, but, of course, could not pledge himself to one or two on either side. First of all, the Commissioners stated that out of the 5,000 applications they had selected 1,600, and that they firmly believed that the balance would only yield 400 more, making, in all, 2,000. If the number was now fixed at 2,200 they would be allowing a margin of 50 per cent. to cover possibilities on the Commissioners' estimate of 400. That surely would be sufficient. He was solely interested in the due administration of the Act of 1903 and in the peace and prosperity of Ireland, and he thought their Lordships would be contributing to both if they closed the door to all hope after a certain number had been reinstated.

THE LORD CHANCELLOR: I am afraid it is not practicable to assent to the limitation of numbers, and that is the only question before the Committee at the present moment. The noble and learned Lord has referred to objections to the acreage limit. Be it so. That may be discussed when the acreage question comes up.

LORD ASHBOURNE: It will not come up.

THE LORD CHANCELLOR: It may. I do not see any reason why it should not. There seems plenty of vitality in the way of moving Amendments. The present question is merely one of limiting the numbers, and I am sorry that, for the reasons stated by my noble friend the Lord President, we are not able to assent to that. Other limitations are, of course, left open for the present.

THE EARL OF MAYO said that unless some limit was inserted these men could go on being reinstated for ever. He deprecated the contemptuous manner in which the suggestions made by noble Lords who lived in Ireland were treated by His Majesty's Government. He would renew his Amendment on Report.

VISCOUNT MIDLETON pressed for some more definite assurance from the Government. Unless a limit such as that proposed was inserted in the Bill the position of the Estates Commissioners would be untenable. He was bound to say that the speech of the Lord President was not merely an unconvincing speech, but also, it appeared to him, an unconvinced speech. He did not think that His Majesty's Government, if they really desired a settlement of this question, could possibly obtain it by merely putting in a limitation of acreage. Before they left the question the Committee ought to know until what period the time of the Commissioners was to be taken up with these cases, for it should be remembered that this was not the only important subject with which the Commissioners had to deal.

THE EARL OF MEATH said the proposal with regard to an acreage limit was a most extraordinary one, and, instead of bringing peace to Ireland, would lead to one of the greatest agitations they had ever had. He hoped the noble Marquess would press his Amendment to a division, unless some reasonable suggestion from the Government were forthcoming.

*THE EARL OF CREWE: I think this debate has been of an instructive character, though the noble Earl who has just sat down imported a somewhat needless measure of heat into it. If it is agreed that some limit is necessary, the question of what that limit should be is arguable. The reasons why we do not think a limit of numbers a good one have been given. The most valuable opinion upon a subject of this kind would be, I should have thought, the opinion of those who will have to work the Act; but I am quite open to admit that the matter is an arguable one, and that there is some force in the objections which were raised by the noble and learned Lord opposite. We shall be glad to take the whole matter into consideration, and, although we shall say "Not Content" when the Amendment is put, we do not propose to divide the Committee upon it.

On Question, Amendment agreed to.

LORD ASHBOURNE moved an Amendment in Sub-section (2) to provide that new tenants to whom this Bill applied should include those whose lands might be acquired voluntarily as well as compulsorily. It had been repeatedly stated by the Chief Secretary, during the Committee stage of the Bill in the other House, that he thought there were many new tenants who would be very desirous of availing themselves of the terms in the Bill and would go voluntarily and willingly. No doubt there was a good deal in that. But in the absence of such an Amendment as he had placed on the Paper this would not be open to a new tenant, because first the screw of compulsion must be applied. He thought that was unwise. He did not think it would be possible legally to give the benefits under the Bill to any new tenant except under the screw of compulsion. If the Government thought that the Amendment did not go in the direction he desired and that the object could be achieved in some other way he would not press the Amendment.

Amendment moved—

"In page 2, line 9, after the word 'applies' to insert the words 'new tenants to whom this Act applies shall include those whose lands may be acquired voluntarily as well as compulsorily.'"—(*Lord Ashbourne.*)

*THE EARL OF CREWE: My Lords, this is merely a drafting question. The intention of the Bill undoubtedly is to carry out what is expressed in the noble and learned Lord's Amendment; that is to say, there will be no difference between new tenants whose land is compulsorily acquired and those who retire voluntarily, so far as their treatment under the Act is concerned. That is the intention of the Bill, and, as I am advised, it is carried out by the terms of the Bill as it stands. There really is nothing in the Bill, I am told, to confine its application to tenants whose land is compulsorily taken. Clause 1 gives power to acquire land compulsorily, but it does not state any restriction. Perhaps the noble and learned Lord will look into the matter between now and the next stage, and if he thinks it necessary we will meet him.

LORD ASHBOURNE said he had considered the matter very carefully, and had come to the conclusion that an Amendment in this direction was necessary. Perhaps the noble Earl would consider the matter with his professional advisers, and if it was thought that the Amendment was necessary he would put it down again. But for the present he withdrew it.

Amendment, by leave, withdrawn.

*THE EARL OF DONOUGHMORE moved to amend the sub-section of the clause which enabled the Estates Commissioners to remove a "new tenant" or planter if, "having regard to all the circumstances of the case, holding, and district," they considered it expedient that the evicted tenant should be reinstated, by providing that boycotting or intimidation directed against the occupier should not be regarded as a reason for his removal. He said that as the Bill was drafted this was possible, and the fact that a planter was unpopular would be enough to authorise the Estates Commissioners to remove him to some other part of the country. If that was the intention of the Bill—and he sincerely hoped it was not—it would obviously be a very wrong state of things to allow. Boycotting had been very well defined by the Chief Secretary as a system by which the boycotted person's means of livelihood were affected, through the refusal to sell provisions to him in local shops, the refusal of labour to work for him, and the refusal of neighbours to buy from him. Noble Lords in England had no experience of this terrible political engine, but it had not been forgotten in Ireland. Cattle driving was another form of pressure; it was described in Ireland as the policy of "letting the bullocks wander." One-third of Ireland was so disaffected. Those who participated in cattle driving were claiming that the Government sympathised with them. He knew that that was denied here, but he did not think he would be putting it incorrectly when he turned a common phrase round and said that the Government had praised cattle driving with very faint damnation. Mr. Birrell had admitted that 240 grazing farms were under police protection; that was, of course, to protect the graziers from intimidation. If that was the treatment of the grazier, what would be the treatment of the planter, who was a vastly more unpopular person politically? If it were understood that a man would be got rid of by the Estates Commissioners if only he were boycotted, there would be such an agitation in Ireland as had not yet been dreamed of.

Amendment moved—

"In page 2, line 13, after the word 'district' to insert the words 'other than any boycotting or intimidation directed against the owner or occupier of such land,' and after the second 'and' to insert the words 'also having regard'" (*The Earl of Donoughmore.*)

*THE EARL OF CREWE: My Lords, the effect of this Amendment would be to make it entirely impossible for the Estates Commissioners to acquire tenanted land for any purpose in a district where there had been boycotting and intimidation. The noble Earl threw out an *obiter dictum* to the effect that there was no boycotting in England. I am not prepared entirely to accept that statement, but I pass it by. But it is obvious, I think, that in the very great majority of cases the boycotted person is the injured person, and therefore he ought not to be made to go if he desires to remain. I can, however, conceive cases to the contrary. I can conceive it possible that a planter, the type of man who is spoken of as "spoiling for a fight," might be an absolute centre of disturbance by his own fault; and under those circumstances I do not see that it can be described as a hardship to remove such a man to some other part of Ireland. I do not think the cases would be frequent in which the person would not be willing to go. In the circumstances I would appeal to the noble Earl not to press his Amendment.

THE EARL OF MAYO said the proposition was now laid down that the planter was a centre of disturbance.

*The Earl of CREWE: By his own fault, I said.

The Earl of MAYO said he did not hear those words. The statement made by the noble Earl was not a very agreeable one for them to hear. It led them to believe that the planters were to be turned out any how and no matter what happened. It was only fair that Lord Donoughmore's Amendment should have been considered by the Government in its proper light, and not taken in the way in which it had been taken by the Lord President. The truth was that in many cases the planters were not absolute centres of disturbance. It was the people round them who had made them centres of disturbance. They were to be sacrificed now because they had been put in the places of men who had not met their obligations and who had left the farms under circumstances well known. They had been farming properly and in many cases very successfully, and because the other people were jealous these planters were designated by the Lord President of the Council and by the Attorney-General for Ireland as centres of disturbance. It was very important that these men should be treated in a proper manner and not turned out of their farms, and he hoped Lord Donoughmore would press his Amendment to a division. He did not think that the Estates Commissioners had ever stated that the planters were centres of disturbance.

*The Earl of CREWE: I must ask the noble Earl not to misquote me. I said that you could conceive a case where a planter, because of his character and through his own fault, might be a centre of disturbance. That is by no means the same as saying that planters in Ireland are, as a whole, centres of disturbance. I must ask the noble Earl, if he quotes me at all, to quote me correctly.

Lord ATKINSON thought the Government did not adequately realise the dangers of the course they were pursuing. If they made intimidation profitable, the spoils being divided among the intimidators, all the prosecutions that could be instituted would not stop intimidation. If a planter was on a good farm, and the idea got abroad that if his position were made troublesome, so that he would have to be protected by the police and great cost incurred, he would thereby be got rid of and the farm divided among the intimidators, they would have intimidation spread over three-fourths of the south and west of Ireland. There were in Ireland 100,000 farms with less than ten acres of land. They must remember that intimidation was not looked upon as a crime in Ireland, and he was convinced that there were tens of thousands of men in Ireland who would willingly go to gaol for six months to get forty acres of land afterwards.

The Earl of DUNRAVEN said he was not clear as to the effect of the Amendment, which he thought might not carry out the object desired. It was conceivable that the Estates Commissioners might consider the fact that intimidation had taken place as a very good reason for not reinstating a tenant. This Amendment would preclude their taking into consideration the fact that intimidation had taken place at all. Therefore the Amendment might go in the exactly opposition direction from that desired by his noble friend.

*The Marquess of LANSDOWNE: My Lords, whether the words are as unambiguous as might be desired I will not take upon myself to say, but I do not think there is any doubt as to the intention with which my noble friend Lord Donoughmore has moved them. There are two or three different cases which we can suppose. In the first place, there is the case of the person who has been subject to boycotting and intimidation, but who is ready and willing to leave his holding. He goes because he wishes to go, and there is no question of applying compulsion to him. Then there is the case of the boycotted person who may be quarrelsome and aggressive, a man of bad character, who is a source of danger and embarrassment to the neighbourhood. I do not see why such a person as that should not have compulsion applied to him. But the case which I wish to guard is a different one. I wish to guard the case of a *bona-fide* farmer dealing fairly by his land, a man of good character and antecedents, who has been the victim of persecution and boycotting, and who, in spite of that, desires to stand fast and remain where he is. To my mind it would be a monstrous thing that that individual should be extruded from his holding merely because he had been the victim of persecution, and because his removal was desired as a cowardly way of quieting the neighbourhood. That is, I conceive, my noble friend's intention.

*THE EARL OF CREWE: My Lords, the noble Marquess who has just sat down has certainly travelled further than any previous speaker on the opposite side in the direction in which we desire to go, in that he has admitted that there are cases in which a planter might with advantage be compulsorily removed. I certainly do not desire that those in the second category mentioned by the noble Marquess—namely, well-disposed people who have been boycotted—should be disturbed if they do not desire it, and I am sure the Estates Commissioners would not wish it either. But I also think, as I have said, that the words as proposed in the noble Earl's Amendment would prevent the Estates Commissioners from dealing in any way with land where there has been boycotting and intimidation, with the result which was pointed out more clearly by the noble Earl at the Table, Lord Dunraven. Perhaps, therefore, the matter might stand over to give an opportunity of words being found which would meet both the noble Marquess's view and ours.

*THE EARL OF DONOUGHMORE said there was really nothing between them except as to the kind of words to be used. He therefore gladly adopted the course suggested by the Lord President.

Amendment, by leave, withdrawn.

THE EARL OF DONOUGHMORE moved to amend Sub-section (3)—

> "(3) No tenanted land shall be acquired compulsorily unless it is in the occupation of a new tenant to whom this Act applies, and unless the Estates Commissioners, having regard to all the circumstances of the case, holding, and district, and to the cost involved, consider it expedient that the evicted tenant should be reinstated as a purchaser of that land,"

by substituting for the word "involved" the words "of acquisition." He thought the Amendment did little more than explain what he hoped was the meaning of the words "the cost involved." But it had been suggested that "the cost involved" might be held to mean the cost of giving them police protection, and that the State might say, "You are costing us too much money, and therefore you must go." He did not think this was the intention of the Government, and consequently moved his Amendment to clear up the point.

Amendment moved—

> "In page 2, line 14, to leave out the word 'involved,' and to insert the words 'of acquisition.'"—(*The Earl of Donoughmore.*)

LORD DENMAN thought there was a little misapprehension in the matter, as the words proposed by the noble Earl would limit the application of the clause. The words in the sub-section included not only the cost of acquiring the land, but also the cost of compensating the tenant who was put out. But if the Amendment were agreed to, the provision for compensation would be omitted.

LORD ASHBOURNE asked whether they were to understand that the words "the cost involved" had nothing subterranean in them. Unquestionably the Attorney-General for Ireland had stated that in considering the question they would take into account the cost of protecting the man who was removed, and the cost of guarding him against intimidation; and the Chief Secretary had pointed out that two of the elements would be whether the man lived in accord with his neighbours and whether the district was in such a condition as to involve a great charge on the Exchequer. If he was to understand from Lord Denman that these elements were not to be taken into account in the cost involved, but that those words were to be taken in the ordinary agrarian sense, the difficulty he had suggested would be removed; but his alarm was excited by the way in which the matter was discussed in the House of Commons, when the Attorney-General and the Chief Secretary used the language to which he had referred.

*THE EARL OF CREWE: I think it is important not to mix this matter up with the last Amendment we were discussing, and upon which, I am glad to say, we came to something like agreement. So far as this particular clause is concerned, without limiting the discretion of the Commissioners as to which holding they may wish to acquire, I certainly understand the cost applies only to the actual cost of acquiring the holding and compensating the tenant.

THE EARL OF DONOUGHMORE said he had no intention of attempting to cut out the second case mentioned by Lord Denman. He could quite see, after what had been said, that his Amendment, as drafted, would go further than was intended. In these circumstances perhaps the Committee would allow him to consider the matter between then and Report.

Amendment, by leave, withdrawn.

LORD ROBERTSON moved an Amendment to leave out Sub-section (4) of the clause in the Bill and to substitute the following :—" Provided always that no lands shall be acquired compulsorily which have been purchased, or agreed to be purchased, under the Land Purchase Acts prior to 1st May, 1907, nor any tenanted land which is in the possession or occupation of any tenant using or cultivating the same as an ordinary farmer." This Amendment involved vitally the fortunes of a considerable class of His Majesty's subjects, and, in the view he took of the matter, it also involved the honour of the Imperial Parliament. The clause as it was in the Bill proposed to place in the hands of the Commissioners a universal warrant of eviction against all the new tenants and those who were called "planters," without exception or discrimination. His Amendment would give the planter a qualified protection, or, rather, the protection was limited to those who were ordinary farmers holding on their own account, and were not mere caretakers or agents for others. His Amendment was directed solely to the defence of the class of independent farmers who were making their own way in the world. The planter class included not merely those who were still tenant farmers, but there were those who had advanced beyond the stage of mere tenants, and had become, in all but formal title, the owners. They had done every thing which the law required them to do in order to obtain the right of ownership. If this Amendment were not carried the warrant of eviction would go against not merely the tenant-farmers, but against those who were, except in form, the owners of their farms. When this subject was adverted to in the Second Reading debate the noble Earl the Lord President treated it with characteristic urbanity. He addressed some good-humoured raillery to the House, and observed that noble Lords on that side had a way of speaking with tears in their eyes. If the Amendment were not adopted to stop a great wrong there certainly would be tears in many households in Ireland. He thought also there would be tears of shame shed on this side of the Channel. But the emotions which his Amendment was likely to excite that evening were of sterner stuff, and he thought indignation would be the most prominent among them. What was the position of the Government in this matter? He declined to accept observations or suggestions, but would deal with the text of their considered and adhered-to Bill. The Bill gave an indiscriminate warrant of eviction, except against those who found favour in the eyes of the Commissioners. On the Third Reading of the Bill in the other House, the Chief Secretary, in the course of some casual remarks, said—

> "There are new tenants whom to turn out would be an act of gross injustice and tyranny."

That sounded well. But Mr. Birrell went on to say—

> "I cannot say that I have the particular planters in view, but my imagination has played round the subject."

If this were an entirely new and unexplored region of legislation, he could conceive that this vague and conjectural language might have a measure of propriety. But planters had been a topic in Irish politics for decades. In 1903 there were anxious discussions in both Houses of Parliament about their affairs. Every point now before the House was before Parliament in 1903, and therefore it was idle to say that the deliberate adoption by the Cabinet of this stringent universal warrant of eviction could be done away with by the otiose and lazy language of rhetoricians. He must say it showed a levity of dealing with this grave subject, and with the fortunes of a large class of His Majesty's subjects, to say the case could be met by an assurance of the responsible Minister that "his imagination had played around the subject."

He now came to the facts of the case. First of all, this was no small or inconsiderable body of men, even in point of numbers. There were many hundreds of these planters. He had not in his hand any definite information as to the precise number, but in the evidence of the special Report of the Commissioners, published the other day, it was said that there were 1,259 planters' holdings available. He was content to take that as the minimum of the number of the class he was dealing with. Next, they had been in their holdings from which it was proposed to eject them for a number of years, varying from fifteen to twenty years. As to their origin, some of them came from the immediate districts surrounding the holdings in which they were established; others had come from other parts of Ireland. As to their religion—a topic which had always to be considered in dealing with a matter of this kind—some were Protestants and some were Roman Catholics. These new tenants were good citizens, who had fulfilled their duty to the law and had been loyal to the State. When there was a conspiracy against law and order so that there should be a surcease of agriculture and vast districts of Ireland should be converted into a desert, plucky men were found to come forward and, in spite of local boycott and intrigue, take their places on the farms and keep them going. These were the men and their successors on whose behalf he spoke. He rested the claim of these men, not on personal merit, but on right. But the question of character did come in. If it was proposed to thrust A out in order to put B in, he was afraid they must ask something, not merely about A, but about B. He could not forget, when they were proposing to turn out these men, that the evicted tenants shared in the conspiracy to make Ireland a desert. It was imperative that those things should be recalled. This clause had been launched against these men because they were marked men for having served the State at a critical moment. They had been marked men and hated in Ireland, and he would tell the Government this, that, unless they discovered some intelligible and reasonable explanation of this clause, the inevitable conclusion was that, in proposing the sentence of eviction against those men, the Government were the instruments, conscious or unconscious, of vengeance. Then these men were told, "Oh, do not be so frightened at eviction from your existing farms, because we are going to offer you other farms." He was dealing with the cases of men who had prospered decently well in a modest way, and who did not want to move. Some of these men were advanced in life; some had additional connections through their families in the district. Why should they be taken to another place? A great deal of light was thrown on this question in the recent Report of the Congested Districts Commissioners and the evidence which it contained; and among the many queer things in the evidence of Mr. Finucane there was one thing which had not been referred to as yet in these debates. First of all, Mr. Finucane admitted that there was a pretty general hostility to people coming from another part of Ireland. He said that this was very unreasonable, and went on, with great complacency, to observe—

> "When we find difficulties of that kind we invite the co-operation of the local political leaders."

He would like to picture the introduction of, let them say, a planter who came from Ulster to the local popular leader. He assembled the neighbours, his object being to make things smooth for the new man. He naturally told them first of all how he came to be in his old holding—a very popular and inviting subject—and again how he came to have left it; and he (Lord Roberston) was certain his duties would be so faithfully performed that he would wind up with an earnest exhortation not to nail his ears to the pump.

They were told that there was a discretion given to the Commisioners. Was it possible for Commissioners having a vast amount of business on their hands to take more than a casual view of every case? The general result would be that the Commissioners would keep a man because he looked like a good sort, and they would turn out a man because they did not like the cut of his jib. They were told at one and the same time that expropriation was justified by public necessity, and that individual merit was to be considered. But the one proposition destroyed the other, for the essence of compulsory legislation was that it was universal and no respecter of persons.

Let the House suppose that a Committee of noble Lords opposite had a Bill sent to them which had passed the Second Reading and had compulsory powers as its basis. He would imagine it to be a Bill affecting a suburb in the neighbourhood of London, and that an objector came forward and said, "I am, although perhaps it is not I who should say it, a model of all civic virtues, and yet my villa is going to be taken; I call that a monstrous injustice." And in amplification of his claim to be a person of the highest civic virtues he might go on to say, "I am a member of the National Liberal Club, a teetotaler, and a passive resister; I have decently married my deceased wife's sister, and none of my children have been vaccinated." What would be the answer of the most indulgent Committee? They would, of course, mark the perfect man and behold the upright; but he believed they would show him to the door and take his house. This pretence of public necessity broke down as soon as it was stated. In 1903 there was universal agreement that compulsion was out of the question. On that occasion the Lord President declared it would be monstrous to disturb these planters, who were respectable men and good farmers; and again, Mr. Morley, who had a firm grasp of principles, said that these men should not be put out against their will. He wanted nothing more than that. He invited their Lordships to come to a decision on grounds of high and imperious principle, and to hold to that decision unflinchingly. On former occasions the House, when contending for rights of property and freedom of contract, had had launched against it the accusation that the House of Lords was always on the side of property and the rich, but to-night it was not the rich, but the poor, for whose defence they stood—not for men of one class, or one faith; it was the proud privilege of the House to redress a wrong done to the humblest of His Majesty's subjects. What course the Government might take after the House had given a decision on the Amendment he would not profess to predict. The Government had to judge whether their comrades in another place would tolerate such a lapse from rectitude. He did not suppose the Prime Minister would steer by the stars, and respectfully suggested some more mundane considerations. If he wanted to pick a quarrel with the House, did the right hon. Gentleman think this was a well-chosen battle-ground? Let him make up his mind upon that. If he decided to quarrel on this ground, the House would be willing to accept the challenge, being assured that the country would support a refusal to allow the powers of the State to be launched to ruin poor men whose only crime was that they had trusted to Parliament and obeyed the law.

Amendment moved—

"In page 2, line 15, after the word 'land' to insert the words 'provided always that no lands shall be acquired compulsorily which have been purchased or agreed to be purchased under the Land Purchase Acts prior to the first day of May one thousand nine hundred and seven, nor any tenanted land which is in the possession or occupation of any tenant using or cultivating the same as an ordinary farmer'; and in lines 16 to 21, to leave out Sub-section (4).'—(*Lord Robertson.*)

*THE EARL OF CREWE: My Lords, we always listen to the noble and learned Lord with the keenest pleasure, even when he chastises us as he has done this evening, and I can assure him that we have seldom listened with more admiration to a speech than we have to that which he has just delivered. I cheerfully join in the sentiment with which the noble and learned Lord began and ended his speech—namely, that so far as this Amendment is concerned it does not contain the slightest atom of selfish or what I may call axe-grinding motives in the minds of those who support it. I do not know that it was really quite kind of the noble and learned Lord to point out that in that respect it appeared to constitute an exception when suggestions involving the rights of property were brought before your Lordships. But I frankly agree that it is purely with a generous motive, and with a desire that certain classes of men in Ireland should not be ruined, that this Amendment is brought forward by the noble and learned Lord and so obviously supported by noble Lords on that side of the House.

The noble and learned Lord's Amendment contains two distinct propositions, and perhaps I may be allowed first to deal with the minor one included in the first half of the clause. As our Bill stands, unless the agreement to purchase had been made before the 1st day of January of this year it would not be operative for the purposes of this Bill. Our object in naming the 1st of January was a perfectly simple one, and we have no hesitation in announcing it. It became known at the beginning of the year that a measure of this kind was likely to be brought forward, and its general character was, I think, pretty well foreseen. We did not think it reasonable that where agreements to purchase were entered into, not on their merits, but simply in order to evade the provisions of this Bill, it should be found possible to do so. Our object was very similar to that which is often acted upon by the Chancellor of the Exchequer when introducing a new tax in his Budget. Knowing that there will be a rush to take any particular article out of bond in order to get the benefit of the old scale of taxation, a particular date is named from which the new tax is to take effect; and I think we cannot be blamed for inserting in our Bill a provision to prevent what, in a common phrase, I may call a number of *ad hoc* purchase agreements being lodged, some perhaps not intended to operate but to outlive the years during which this Act is in operation. And that is why we named the 1st day of January, and not, as the noble and learned Lord desires, the 1st day of May, for the purpose of safeguarding these purchase agreements.

As regards the first words of the noble and learned Lord's Amendment—

> "Provided always that no lands shall be acquired compulsorily which have been purchased, or agreed to be purchased, under the Land Purchase Acts"—

apart from the question of the date we have no objection to the insertion of those words, but, if the noble and learned Lord will take it from me, they are really not necessary. If he will look at Section 9, Sub-section (4), of the Land Act of 1891 he will see that no money can be advanced for the purchase of land which is subject to an annuity until that annuity is either paid off or redeemed. Nobody is likely to redeem the annuity, and by the hypothesis that it cannot be paid off, no land purchased under the Land Act will be available for the purposes of this Act.

I now come to the second part of the Amendment—

> "Nor any tenanted land which is in the possession or occupation of any tenant using or cultivating the same as an ordinary farmer."

The noble and learned Lord referred very kindly to what I had said on this matter on a former occasion and also during our recent debates. I can assure the noble and learned Lord that I had no intention of approaching this matter in anything like a flippant spirit. Quite the contrary. If I ventured to banter noble Lords upon their fears on the subject I did so for this reason, that I do not believe, as a matter of practice and fact, knowing the people who will have to administer this law if it is passed, that the kind of cases of hardship which the noble and learned Lord seemed to assume would be not merely common but almost universal, will occur at all; and consequently I confess I was not able to take the same serious tone of alarm which was so evident in his eloquent observations. The noble and learned Lord seemed to have a vision of the Estates Commissioners parading throughout the whole of Ireland and evicting, for the mere pleasure of doing so, substantial farmers who had been put in as planters; and it is because, as I say, I do not consider anything of the kind, if the Bill is left as it is, the least likely to occur, that I do not feel the same alarm. Why, and under what temptation, should the Estates Commissioners desire to disturb, on a large scale, or, indeed, on any scale, tenants of that particular kind? What pressure can be put upon them to which they are the least likely to yield to do anything so obviously unfair?

I confess, my Lords, I am not able entirely to follow the noble and learned Lord in his, if I may venture to say so, rather indiscriminate eulogy of the whole class of planter tenants. As regards their personal merits, I imagine they are of various characters. Some of them, no doubt, are excellent, hard-working people and serious farmers, and others, I take it, are the reverse. Neither am I able to express an unqualified admiration for the policy, if it can be called a policy, or the action, of landlords, so far as they were to blame for what occurred, which led to the fact of planters being needed at all. That, of course, is a different reading of history. The noble and learned Lord reads it in one way, and some of us read it in another way.

The noble and learned Lord spoke upon the question of migrating tenants, but he did not mention that if a tenant is migrated against his wish, he has the right to claim pecuniary compensation. But as regards this question of compensation, which the noble and learned Lord treated so humorously, I take it that the answer, to some extent, to what he said is that, as a matter of fact, it has been done. The Estates Commissioners have migrated a certain number of tenants—I am not able to give the figures, but a substantial number—to the West of Ireland; and these have—after, in some cases, it is true, a certain degree of preliminary trouble—settled down, and, so far as anybody is able to judge, not only are they contented themselves, but the neighbourhood in which they live is contented with them. Of course, if you assume that the most unlikely kind of tenants are to be dumped down by the Estates Commissioners in the most improper places, I have no doubt you could get up a very pretty row indeed in a great many parts of Ireland. I shall be told, I have no doubt, that I am once more urging the House to trust to the discretion of the Estates Commissioners. I do not ask the House to do that in all respects or entirely; but I do ask the House not to assume that the Estates Commissioners will invariably act either as knaves or as fools, which seems to be the suggestion repeated over and over again from the Opposition benches. As regards the phrase which the noble and learned Lord desires to insert, "an ordinary farmer," I am not going to enter into any discussion with the noble and learned Lord on a question of legal interpretation or of drafting; and if he says that those are the best words which can describe what he means, I have no doubt he is right. I confess they do not seem to me very much like words which I have ever met with in Acts of Parliament; but, as I say, on a matter of that kind, I should not venture to doubt the discretion of the noble and learned Lord. In our opinion, the words are too wide. After all, every man in Ireland who walks about with, occasionally, a spade in his hand, and has a patch of potatoes, is called a farmer. A "farmer" in Ireland is not the same thing as a farmer in England or a farmer in Scotland. But I pass from that to ask whether, assuming that we are, as I believe we are, all agreed as to the kind of people who ought not to be moved, and those who might be, the words might not include a certain number of people who, by common agreement, might be moved without injustice to them. If the noble and learned Lord, assuming that his words are the best that can be found, would agree to the addition of these words, "except under special circumstances with the consent of the Lord-Lieutenant," we should be prepared to accept his Amendment—not as regards the month of May, which is a different question, but as regards the latter part.

Lord ASHBOURNE inquired who would advise the Lord-Lieutenant.

*The Earl of CREWE: Well, who ordinarily advises the Lord-Lieutenant? The Lord-Lieutenant's name occurs in a vast number of Acts of Parliament, and who advises him is best known to himself.

Lord ASHBOURNE asked whether the Chief Secretary was not advised by the Estates Commissioners?

*The Earl of CREWE: I suppose the Chief Secretary would take the advice that he thought fit to take under such circumstances.

Lord ATKINSON asked what would be the "special circumstances."

*The Earl of CREWE: The special circumstances would be those which appeared to the Government—the Irish Government, for, of course, that is what is meant—to justify the exceptional action of removing a man who might come under the head of the legal term "ordinary farmer."

Lord ASHBOURNE inquired whether the noble Earl could give any illustration of what would be "special circumstances."

*The Earl of CREWE: I really think I must leave noble Lords to think that over for themselves between now and the next stage of the Bill. I think I can scarcely be expected to invent, as I go along, anecdotes of Irish life. I have no doubt the noble and learned Lord will come down with some at the next stage of the Bill. I really think that that is not an unreasonable proposition. I certainly withdraw nothing I have ever said on the subject, or qualify it in any way; but I cannot help feeling that the mere fact that a man has cultivated a farm after some fashion or other is not in all cases a reason for saying that he should not be compulsorily moved—of course, under the safeguards provided in the Bill as a whole.

The noble and learned Lord said that we were venturing upon an entirely new path of legislation by arguing, upon the one hand, that compulsion was necessary, and upon the other hand, that merit might save a person from compulsion. My Lords, I do not think it is a question of merit; it is a question of the character of the damage which the person would sustain through being expropriated. And that, surely, is what governs all questions of expropriation, whether under the Lands Clauses Act, or any other Act. If the character of the damage sustained by the expropriated person is so severe that he ought not to be made to undergo it, so much the more overwhelming has to be the necessity of public policy. That is surely exactly what will happen in these cases. Where the character of the damage which the man sustains, not because he is a virtuous person, but because he is a substantial farmer and a good man of business, is very severe, then clearly he ought not to be moved. But, so much the less those things can be said of him, so much the less damage does he sustain by being moved, and therefore, it does not seem to me to be a hardship to move him. I sincerely hope that noble Lords will carefully consider whether they cannot accept the addition which I have suggested; but I am afraid that so far as regards the putting forward to the month of May of the time during which provisional agreements could be held to bar the operation of the clause, we could not agree to that.

THE MARQUESS OF LONDONDERRY said that the speech of his noble and learned friend Lord Robertson had been so convincing that it required very few words from him to impress upon their Lordships the necessity of accepting the Amendment. Lord Robertson had dealt very fully with the question of the hardships to the new tenants, and it was almost unnecessary for anyone to dwell further upon that point. He wished, however, to draw attention to the fact that the Amendment moved by his noble and learned friend was without exception the most important which had been, or probably would be, put forward by the Opposition, because it was a question whether they were to act justly or unjustly—whether the Government were to keep faith with those tenants who, in very strenuous and arduous times in Ireland, undertook the responsibility of taking over these holdings, or whether they were to deal harshly with them. The Bill as it at present stood dealt far more hardly with those people than the Bill of 1894, which their Lordships rejected on Second Reading. He was not going to weary the House by quoting the various speeches made on that occasion by prominent members of His Majesty's present Government, amongst which was one made by the noble and learned Lord, in which he declared (as had been more or less corroborated recently by the Lord President of the Council) that he considered it would be most unjust to evict unfairly those people who had taken holdings under conditions which they fully understood. He held in his hand a number of quotations which he did not think could be contradicted, but with which he thought it would be a waste of time to trouble their Lordships. His real reason for rising was merely to say a few words in endorsement of what had fallen from his noble and learned friend. Why had these people taken these holdings from which the tenants in those arduous and critical times to which he had referred had been evicted—times which were critical not only with regard to the political condition of Ireland but with regard to the whole agricultural industry of Ireland? Why had they taken those holdings and undertaken the duties inherent in them? It was because the Government of that day was responsible for giving them protection in taking those holdings. At that critical time when the Plan of Campaign was started in Ireland he (Lord

Londonderry) had the honour of being Lord-Lieutenant of Ireland. The Government of that day recognised the great difficulty—the great danger—that hung over Ireland by reason of what was known as the Plan of Campaign, and they grappled, and he thought successfully, with that Plan of Campaign, and the success with which they had done so was proved by the fact that the farms from which tenants were evicted were taken in great numbers by the new-comers. But why were the farms taken by these new-comers in the manner which had been alluded to by his noble and learned friend (Lord Robertson)? He remembered making a speech on behalf of His Majesty's Irish Government with the full approval of Mr. Balfour, who was then Chief Secretary for Ireland. That speech had had a very wide circulation and in it he assured the people who had taken the farms from which those tenants had been evicted that they should receive the protection of the Government. To that statement, made on the authority of the Government, he attributed the fact that these people had taken the farms in question. In those farms they had invested their capital, their energy, and their ability, and yet it was now proposed that these men, acting under the assurance of the Government during that time—an assurance for which he was prepared to take full responsibility—should be evicted if it was considered necessary by His Majesty's present Government. He said emphatically that that House would be wanting in justice to these people if it allowed them to be evicted from those holdings contrary to their desires. The events that he had been speaking of took place twenty years ago. Twenty years was a long time. These men during those twenty years had farmed their land to the satisfaction of their landlords and of all connected with them. They had proved themselves able and worthy citizens; they had proved themselves worthy of the position they occupied on those holdings; they loved their holdings; their children had grown up upon them; they had made their friends and their interests amongst their new surroundings; and he asked was it right that upon the simple whim of the Government these people should be evicted? He declared that it was not right, and that the Government were not justified in turning those people out of the land which they had cultivated under the great difficulties he had described, unless they were perfectly willing to leave, and desirous of leaving. He hoped their Lordships would not think that in making these remarks he was desirous of saying one word which could be considered as unsympathetic to those who had had to give up these holdings. He pitied those people who were evicted more than he could say, but at the same time he always considered that they were the dupes and tools of agitators. Had they considered their own interests, and not listened to those who merely used them as pawns on the board for their own political purposes, they would be living on these farms to-day, enjoying the benefits which were now being enjoyed by those who had come after them. He spoke in no spirit of anger, but rather in a spirit of sorrow for these unfortunate people, but nevertheless he would say that the fact that these people were the dupes of agitators was no reason whatever why any injustice should be done to those who had taken their places.

There was one other point which he thought had not been alluded to either in another place or in the course of their Lordships' debate, and to that point he wanted to draw attention. The British taxpayer had, during the past twenty years, invested no less than something like £60,000,000 in Irish land for the purpose of enabling occupiers to become the owners of their holdings. £60,000,000 was a large sum of money, but the instalments due upon that advance had been paid up to now with the greatest possible regularity. He had no reason to doubt—in fact, he was of opinion that there was every reason to believe—that those instalments would be paid in the future with the same regularity; but they must always look more to the possible than to the probable, and supposing that such a state of affairs occurred as that there was a repudiation of the repayment of those instalments, what would be the position of His Majesty's

Government? His Majesty's Government would be unable to collect those instalments. The only process that the Government could follow would be to evict the tenants who refused to pay them. But who would take the holdings of those evicted tenants if they were liable to be evicted again at a moment's notice, in order to replace those people who had refused to meet their responsibilities and duties? They must look at the position, not only from the point of view of the Irish landlord, nor merely from the point of view of the Irish tenant, but from the point of view of the English taxpayer, and he maintained that under the circumstances which he had imagined, they would find that no honest, well-to-do citizen would take a farm from which his predecessor had been evicted, if it were recognised that His Majesty's Government would have no hesitation whatever in reinstating that evicted tenant at any moment they thought it right to do so. The question to his mind was one of supreme importance from all points of view. Their Lordships had undoubtedly to consider the unfortunate people who were the dupes of agitators, but at the same time those people ought to look to their own leaders to reinstate them, and to do what they could for them, because they had followed their advice. He said again, that he spoke upon this subject with no feelings of indignation—on the contrary, he sympathised sincerely with these unfortunate men, but he trusted that his noble and learned friend behind him would go to a division on the question in order to make certain that no injustice whatever should be done to those men who, under circumstances of the greatest possible difficulty, relying on the pledge of the Government of the day, had stepped in at a critical moment to take the place of the evicted tenants, and had made the holdings of those evicted tenants their homes and done their duty upon them for the last twenty years.

LORD CLONBROCK desired to say a few words on the subject of the new tenants—the "planters," as they were called. He had had no personal experience of evicted tenants on his own property, and consequently no experience of the planters; but he lived in a county where there were a good many of them, and he had taken some trouble to find out the way in which they were living and their relations with the people about them. The Lord President of the Council seemed to agree with those of their Lordships who were of opinion that a man who was farming his land in a proper agricultural manner and attending to his business ought not to be disturbed in his holding. The noble Earl appeared, he thought, to be somewhat exacting as to the method of tillage these men should pursue; but he did not suppose that the noble Earl expected that they should go in for the highest class of farming such as would be seen upon a model farm. If they tilled their farms in the same manner that their neighbours did, he thought nothing more could be expected. No doubt it was not a very good manner, and he himself could wish that the method of agriculture in Ireland was a great deal better and more advanced than it was. Still, a man could hardly be expected to be very far superior to his neighbours. If, therefore, the noble Earl thought it wrong that a man of that class should be disturbed, why should he object to the insertion of such a provision as was contained in the Amendment? The noble Earl had also said that the Amendment threw great doubt on the way in which the Estates Commissioners did their work, and asked why they should not be trusted, and what temptation they could have to remove these men. Now they were told that the Bill was imperatively called for by public opinion in Ireland, and that it was—he thought the noble Earl had used the phrase—a political measure. All those who were well acquainted with public opinion in Ireland were fully agreed that the element of vengeance mentioned by the noble and learned Lord who had introduced the Amendment had a very great deal to do with the matter, and that what public opinion in Ireland called for was not so much the re-instatement of evicted tenants as the removal of the planters. There was a strong feeling against anybody who took a vacant farm in Ireland, more especially when that farm was rendered vacant by a political movement and by the effect of a widespread conspiracy. Therefore, public opinion would be most favourable to the Estates Commissioners if they went rather out of their way to remove the planters. He had tried, as far as he could, to ascertain the position of those men, of whom there was a considerable number in his own county of Galway; and his information led him to be thoroughly of opinion that, taking them as a whole—he did not say there was not a black sheep among them as there was in every other class, though he had not heard that there was—but, taking them as a whole they were men who worked their farms in a manner quite equal to that of the rest of the country, and indeed rather better. Further, they were men who paid their rents and acquitted all their obligations properly. They had laid out money on their farms, and they were now on good terms with their neighbours, having lived down the obloquy with which they were met when they first took their farms. Again, in some places the difficulty of reinstating evicted tenants would be extreme; the farms had been differently arranged, and where there used to be, say, 150 farms, there were now perhaps between fifty and sixty. So much was that the case, that he was informed that not long ago one of the evicted tenants went over the country but could not find his old farm, because the boundaries had been so changed. These men had been in possession for some twenty years, and he asked whether it was fair, or in any way proper, to remove these men, in order to reinstate the tenants who were turned out in consequence of having joined the Plan of Campaign.

LORD BARRYMORE said he felt great diffidence in taking part in the debate, because all he wanted to say had already been said much more ably by his noble and learned friend who had introduced the Amendment, and by others who had addressed their Lordships. But he had lived for many years, during the troublous times which had been referred to, in the South of Ireland, and had seen so much of these land wars, and had had so much to do, he was sorry to say, with evictions and reinstatements, that he did not like to let that occasion pass without saying one word in favour of the men who had stepped into the gap at a very critical time, taken the farms which would otherwise have become an absolute desert, and lived honestly on those farms, doing their duty to the State. Who were those men? Some of them were local men who came in and took the farms; others were men who came from elsewhere. They had heard it said that many of them were bogus tenants. He did not know of any such—he had not come across them, although they might exist. But this Amendment was confined to those men who were *bona fide* tenants, *bona fide* farmers, *bona fide* working their land, and acting in the manner in which good citizens and good farmers should act. These men had come in at a critical time. They were guaranteed, both by the Government and by the landlords on whose estates they were placed, that they would be supported in their places, and he felt that every Member of their Lordships' House was in honour bound to see that the interests of these men were properly safeguarded. What had these men gone through? The noble Earl said that some of these migrants had had preliminary troubles. Had the planters had no preliminary troubles? Had they not formerly been boycotted? Had they not gone in danger of their lives, with police surrounding them to protect them from the fury of their neighbours? Many of them had gone through those experiences, and as his noble friend the Marquess of Londonderry had said, they had lived it down, and were now popular men in their neighbourhood. They were called in the Bill "new tenants." Many of them were by no means new tenants. Many of them had been on their holdings for nearly a quarter of a century—either they or their fathers before them. They had lived on those holdings all that time, and they ought not to be disturbed without the gravest possible reasons. He did not wish to say one word against the Estates Commissioners, or the judgment and discretion with which they would exercise the extraordinary powers which it was proposed to confer upon them, but he certainly thought it would be doing a most grave injustice to all law-abiding people if their Lordships' House allowed a class like this to be left to the mercy of the

Estates Commissioners or anyone else. He had never been against the reinstatement of the Plan of Campaign tenants. He thought he was the first Unionist Member in the House of Commons some years ago who had said that he did not wish to see the door shut against these men, and that he thought that under the purchase system they might be reinstated, provided always that the planters were absolutely and positively safeguarded. To that position he had always held, and that position he maintained still. If his noble and learned friend went to a division, as he sincerely hoped he would, he would with a clear conscience and with a most honest and firm heart, walk into the division lobby with him in order to safeguard the interests of those men who were placed in this position of jeopardy.

*THE MARQUESS OF LANSDOWNE: I do not rise for the purpose of arguing over again the case of the planters. That has been done by my noble and learned friend behind me in a manner which renders it quite superfluous for any of us to add a single word to his most learned presentation of the case. But I should like in a single sentence to confirm what has just been said by my noble friend Lord Barrymore with regard to the title which these planters have to our consideration. I, like my noble friend, have had some experience of planter tenants, and I can corroborate what he has told your Lordships—that these men came forward at very great personal risk, that they assumed the position that other tenants, their predecessors, had thought unworthy of them, that they paid the rents that their predecessors refused to pay, and paid them punctually, and that they held their own gallantly throughout a very trying time, thereby rendering, as I conceive, yeoman service to the State at a time when that service was most urgently needed.

I wish to notice two observations which fell from my noble friend the Lord President. I understood him to suggest that it would be sufficient if these men were dealt with on terms which made good any damage or loss which they might sustain by removal from their holdings. Do let me impress upon the House that there are two sides to this question. There is the question of that which is due to the man and there in the question of that which is due to the community. As to the man, I can conceive that you might offer him terms—at the public expense—so lavish and so generous that he would have no more to say, and that as far as the man was concerned, your scruples would be salved. But when you come to the question of the community, then pray do not let us forget that the extrusion of the planter tenant, and the substitution for him of one of these agitators, does mean the triumph of a conspiracy which has been condemned as illegal by the highest authorities. It does mean the promotion of the agitators and the conspirators, and the humiliation of the men who deserve best at our hands. The Lord President asked us this question. He said: Under what temptation would the Estates Commissioners be to drive out one of these *bona fide* planters? He asked what pressure could be put upon the Estates Commissioners. It seems to me that those questions were characterised by that *sancta simplicitas* which we sometimes detect in the noble Earl's utterances. He has been Lord-Lieutenant of Ireland. Surely he must know something of the kind of pressure to which the Irish Government can be subjected on occasions of this kind. It is because I know, and it is because those who are connected with Ireland know, what that pressure is and what it can be, that I mistrust the formula which, I have no doubt with the most considerate motives, the noble Earl proposed to the House. I think he suggested that at the end of my noble and learned friend Lord Robertson's Amendment we should add the words "except in special circumstances with the concurrence of the Lord-Lieutenant." If we adopt those words, who will be the judge of the "special circumstances"? The Government of Ireland. Who will advise the Government of Ireland? The Chief Secretary and the Estates Commissioners. Those words, I am sorry to say, do not inspire me with any confidence whatever, because I know perfectly well that given a Government with particular political tendencies, that Government will be amenable to the kind of pressure with which the Lord President is apparently unfamiliar, but which we who know Ireland know only too well.

My Lords, I hope my noble and learned friend Lord Robertson will press his Amendment upon the House, although it seems to me that the wording of it might perhaps be capable of amendment. I suggest to him that it might run somewhat in these words. It might end—

> "Nor any tenanted land which is in the possession or occupation of any *bona fide* tenant using or cultivating the same as an ordinary farmer in a husbandlike manner."

I believe the words "husbandlike manner" are not unfrequently to be found in statutes dealing with agricultural questions, and that would meet, I think, to some extent the criticism of the noble Earl that the expression "an ordinary farmer" is somewhat too vague. I suggest that to the noble Earl, but I am afraid that his own proposal is not one which will altogether commend itself to your Lordships. At the same time I do not wish to conclude my observations without expressing my thanks to the noble Earl for his evident appreciation of the force of the argument in favour of these planter tenants. He has himself, on more than one occasion, spoken in what I regard as a very honourable manner with regard to them, and I am glad that he has shown this evening a desire to do all he can to meet their case.

LORD ROBERTSON accepted the suggestion of the noble Marquess. He thought the words proposed improved his Amendment, and he would accordingly move it in that form.

On Question, "That the words of the Amendment, as amended, be there inserted," their Lordships divided:—Contents, 146; Not-Contents, 31.

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Clause 1, as amended, agreed to.

Clause 2:—

LORD INCHIQUIN proposed an Amendment to Subsection (1) to provide that the prescribed particulars which the Estates Commissioners are required to publish in the *Dublin Gazette* "shall set forth in full the name and present address and occupation of the person or persons whom it is proposed to put into the possession of the land so acquired or any part thereof." The names of evicted tenants had been asked for on several occasions, and there was apparently some difficulty about giving them. But, surely, when negotiations were pending with a landlord to buy his land, the names of the persons should be given, for various reasons. One was, that he might know who was going to be put in; and another was, that he might know if the man going to be put in was the man who had been evicted, and, if not, if the man who had been evicted was deceased, or whether a proper representative of that man was to be put in. In either of those events the landlord would probably know something of the proposed tenant, and would have the right of objecting to his being put in if he thought that he was an improper person. Then, again, where the evicted tenant had died, and had left a certain number of relatives, it was right that all his relatives should know who was the claimant. Somebody might claim to be tenant of a farm who was not necessarily the right person to do so. A younger brother, for instance, might claim over an elder brother; and therefore it was only fair that this information should be given at the time when it was proposed to purchase the land. The case, in his opinion, was so obvious that he hoped His Majesty's Government would see their way to grant it.

Amendment moved—

> "In page 2, line 31, after the word 'objection' to insert the words 'the prescribed particulars shall set forth in full the name and present address and occupation of the person or persons whom it is proposed to put into the possession of the land so acquired, or any part thereof.'"—(*Lord Inchiquin.*)

*THE EARL OF CREWE: My Lords, I am afraid we cannot accept the noble Lord's Amendment, and our inability to do so is based, really, on the ground of delay. So far as tenanted land is concerned, the landlord practically knows who is coming. He can only be the evicted tenant or his representative. He can be nobody else. He is bound to be the particular person who formerly occupied that particular farm, or his representative. I do not know whether that is perfectly clear to noble Lords, but that is so.

LORD INCHIQUIN said there might be twenty representatives.

THE EARL OF CREWE: It is the representative as described—as the noble Lord knows perfectly well—in the Act of 1903. As regards untenanted land, it is true that knowledge does not exist; but, when untenanted land is purchased, I confess it does not seem to me to make very much difference to the landlord who comes there; and I think it is possible, at any rate, to maintain that, once having parted with his land, the landlord is not entitled to know who the new occupant is to be.

LORD INCHIQUIN pointed out that the landlord had not yet parted with the land, he was only asked to part with it.

*THE EARL OF CREWE: That is perfectly true, but he knows that he will have, or may have, to part with it. Of course, in the case of a voluntary sale, it is perfectly true that the personal element would enter in, but, as we know, this is a compulsory Bill, and that is a fact which is very material in dealing with this particular matter. What we feel is, that those who are not particularly anxious that this Act should work—there may be some, and there may even be many such—will find this a most admirable method of delaying operations by engaging in absolutely interminable correspondence on the subject and altogether delaying the operations of the Act. I am afraid we cannot accept the Amendment.

THE EARL OF DONOUGHMORE observed that if the correspondence was interminable it would be partly the Government's fault in keeping the correspondence up; but this question had a more important bearing, because a great deal of the untenanted land that was going to be taken was near the landlords' own residences, and near their demesnes; and therefore they had a right to know who the person was who was going to be put down at their very lodge gate. Such information could not cause any great inconvenience to the public service, and it would not be letting out any secret prematurely to give the information. Therefore, he hoped the Government would see their way to meet the landlords in some way or other, on a point which might seriously affect the amenities of their residences and of their homes.

LORD DENMAN said that he could give one or two reasons which would show that there really was a practical difficulty in doing what had been suggested. He quite sympathised with what had been said as to some person whom the landlord did not care about being placed in the neighbourhood of his own residence; but there was this difficulty in the case of untenanted land—that it was impossible for the Estates Commissioners to know beforehand whom they were going to put in. The ordinary procedure was, that they first bought the land, and then determined upon the particular individuals they would put upon the land. The present Amendment would imply that they must first go to a tenant and say, "Will you take this particular land?" The tenant would say, "You must first take me all round it and let me see it." But the land would not then belong to the Estates Commissioners; and it seemed to him, from what he knew of these matters, that in many cases the landlords would very strongly object to the Estates Commissioners or their representative going with a tenant over their land when it did not belong to the Commissioners, and when they had really no right to go there with a tenant and ask him whether that particular land would suit him. There were many other points of difficulty with regard to untenanted land. Buildings would have to be put up, and other points would have to be settled, and therefore he really thought there were practical difficulties in the way of accepting the noble Lord's suggestion, although he confessed that he himself entirely sympathised with the noble Lord's reason for moving it.

VISCOUNT MIDLETON thought the noble Earl had hardly done justice to the very strong feeling which existed on the point in question. The noble Earl, when he spoke of untenanted land, had said that the landlord knew he would have to part with it. He was supposed to know that even before the case was tried. That was an assumption which he thought might rather guide their Lordships in their subsequent Amendments, especially in Clause 6. Apparently, according to the noble Earl, it was to be understood that the moment the Estates Commissioners had scheduled a piece of ground belonging to a landlord he had parted with his interest in it. As everybody knew, this was a question which affected not landlords alone. There were men who had been centres of disaffection and disturbance in certain districts and, even with the utmost desire to credit the Estates Commissioners with universal knowledge and competence, it was only natural that the man from whose estate a tenant had gone, and to whose estate it was proposed to return him, would know something more about the antecedents of the man who was to be placed there than the Estates Commissioners could know; and although he thought it clear that there might be difficulties in naming at the outset the exact individuals who were proposed to be put back, surely there must come a time when it would be fair to give the landlord that information. Could not the noble Earl hold out any hope that in some way or another he would be able to accept this extremely reasonable proposal? He was sure that his noble friend the mover of the Amendment had no desire to force upon the Government anything which would lead to delay, but to leave the matter absolutely open and to treat the land as if it belonged to the public and not to the landlord himself—to treat the matter as if it were one of perfect indifference to the man who owned the particular land in question and who perhaps owned hundreds and thousands of acres around it — seemed a degree of injustice to which their Lordships would be unwilling to consent.

*THE EARL OF CREWE: I cannot resist the appeal of the noble Viscount, and I will certainly consult my right hon. friend as to whether any *via media* can be found which will meet the difficulty. I quite understand it is disagreeable to landlords to have no inkling of who the man may be who is to arrive on their untenanted land until he actually appears, and I would certainly consider whether it would be possible to give them any notice or intimation of the kind desired at some stage of the proceedings. But it is quite impossible to do it at the stage at which my noble friend asks that it should be done. The land is really bought before it is decided to whom it is to be distributed. In some cases a very large area is bought from one landlord, and it would be impossible for the Estates Commissioners, having bought a large block, many hundreds of acres in extent, perhaps, to be able to allocate at once—indeed, before the purchase is made—the actual people who are going to be put there and the area of their farms.

LORD ASHBOURNE said he was very pleased to hear the noble Earl say that he would consider the Amendment, because there was an element in the case which demanded very keen consideration. He had presided for so many years at Courts whose function it was to decide upon the value of land, that he knew this question might lead to grave differences of opinion and to possible bitterness. He quite appreciated what had been said by Lord Denman—that if they did not know the name of the tenant it was impossible to give it, and there might be other reasons which would make the giving of the information at a particular time inconvenient. But there could be no objection at all, he would venture to suggest, to his noble friend who had moved the Amendment putting in the words "if possible," and then the matter could be considered again, before the Report stage, to decide whether the proviso could be modified or developed in any way. It might be that, although the man had lost his legal grip of the land, yet it might do him a great amount of injury to go and plump down on his property a man who had been leading a boycott against him for years past and making his whole residence like a hell upon earth. This question had to be considered. In the experience of Irish land administration it was a familiar feature, and one which occurred over and over again, that the persons most objectionable to the landlord and to the other people upon the property were sought to be put upon the land. He did not wish to attribute motives at all, but as a fact such persons had been sought to be put down in places where their presence would be most hateful to the landlord and most disagreeable to the other people in the neighbourhood. That had been done in the past, and unless it was guarded against the same thing might take place very readily in the future.

THE LORD CHANCELLOR: Is it not better to let it stand as it is until the Report stage, and then to consider the question of any practical inconvenience which may arise?

*THE MARQUESS OF LANSDOWNE: I think so, certainly.

LORD INCHIQUIN said that having regard to what had fallen from the noble Marquess and from the noble and learned Lord he was quite willing to withdraw his Amendment, but he thought the evicted tenant's name, or the name of his representative, might be given. There might be twenty representatives of a deceased evicted tenant, and he thought it was essential that the landlord should know which of the representatives was the one he had to deal with.

THE EARL OF CREWE: I will bear that in mind.

Amendment, by leave, withdrawn.

LORD ATKINSON moved, as consequential Amendments to his Amendment on Clause 1, that compensation was to be paid as if the lands were about to be acquired compulsorily under the Lands Clauses Act, 1845.

Amendments moved—

"In page 3, line 3, to leave out the words 'price thereof' and insert the words 'amount of compensation to be paid therefor, as if the said lands were about to be acquired compulsorily under the Lands Clauses Act, 1845.'

"In line 11, to leave out from the word 'land' to the end of the subsection, and insert the words 'such compensation as to them appears to be reasonable.'

"In line 17 and 18, to leave out the words 'at the aforesaid price' and insert the words 'upon the terms aforesaid.'

Lord Ashbourne.

"In line 25, to leave out the words 'purchase money' and insert the words 'amount of the compensation.'"—(*Lord Atkinson.*)

THE EARL OF CREWE: With reference to these consequential Amendments I may perhaps be allowed to say that while the Government does not accept them we do not propose to offer any opposition to their insertion at the present stage. The further discussion of the whole question will, of course, come up rather later.

On Question, Amendments agreed to.

LORD ASHBOURNE moved an Amendment to insert in the sub-section providing that if no petition had been presented, or if the petition had been withdrawn, the Estates Commissioners might make an order vesting the land in the Land Commission "without delay." He said there was a great deal of uncertainty amongst many noble Lords interested in this section as to what exactly the financial position was. He might say at once that there were three classes of people to be considered—the owner who was deprived of his land, the evicted tenant who was put on to the land, and the new tenant who might be moved into the holding. There was great uncertainty as to what was to be done in regard to the dispossessed owner. If part of his land was compulsorily taken, when was he to get his money and what was to be his position in reference to interest? When was the new tenant to begin payment of his instalments to the Land Commission? He would be very pleased if the noble Earl would give an explanation as to the exact financial position of the three classes he had mentioned. What he particularly desired to know at present was this: When the owner was dispossessed and had to hand over his property, how soon would he receive payment of his bonus? He also desired to know whether that was to be fixed by Rules or whether the noble Earl could state it now.

Amendment moved—

"In page 3, line 26, after the word 'Commission' to insert the words 'without delay.'"—(*Lord Ashbourne.*)

*THE EARL OF CREWE: As regards the position of the vendor, as the noble

Lord knows, before the land is vested in the Land Commission the purchase money has to be paid into the Bank of Ireland. Then under the Act of 1903 interest at the rate of 2¾ per cent. is to be paid by the Land Commission to the National Debt Commissioners until the land has been disposed of to purchasers. Then the Land Commission has to pay interest at the rate of 3½ per cent., as the noble and learned Lord is aware, to the person from whom the land is acquired until closing day. The supposition is that the Estates Commissioners will be able to let the land so as to be in possession of a sum which will enable them to pay 3½ per cent. to the owner. Then as to the purchase money, although the Bank of Ireland will not make payment to the National Debt Commissioners, there is a power later on in the Bill to invest that money, so that it is hoped and supposed that the 2¾ per cent. may be forthcoming. Then the reinstated tenant and the new tenant become at once owners in fee under the Land Purchase Act just like other purchasers, and the owner will in due course pay this purchase money. The position is, in fact, precisely the same as that of ordinary purchasers under the Act of 1903.

LORD ASHBOURNE asked whether the noble Earl could lay before the House a Memorandum setting out clearly what was the financial position of the three different classes he had mentioned. There was to be created a perfectly novel form of occupation arising from the planting down of a person on a man's land, whether he wanted him or not; and what he wanted to know from the noble Earl was when would the purchase money be lodged, what was his position until it was lodged, and whether it would be handed over to him in the way in which it was handed over to an ordinary vendor. If the noble Earl would have a short Memorandum prepared giving the information for which he had asked it would be a great convenience.

*THE EARL OF CREWE: I will inquire whether that can be done, in order to meet the wishes of the noble Lord.

THE EARL OF MAYO said he gathered from what the noble Earl had stated that the whole of the proceedings under this Bill as regards finance were exactly the same as those under the 1903 Act.

*THE EARL OF CREWE: Yes, as regards the payment. As regards the actual words, I think the noble and learned Lord will agree that the words "without delay" hardly fit in with the words "they may if they think fit."

Amendment, by leave, withdrawn.

LORD ATKINSON moved to amend Sub-section 7, so that it should run—

> "If a petition has been presented and has not been withdrawn, the Estates Commissioners or any two of them shall hear and, by Order, determine the petition and all questions arising thereon,' '

and to insert a new sub-section providing for an appeal either to the King's Bench Division of the High Court in Ireland or to the Judges of Assize. He explained that the first part of his Amendment was introductory to the clauses which would produce the Appellate tribunal. He did not know whether, assuming that his proposed tribunal was right, the Government would object to the machinery he had set up for proceedings before it. He had taken a good deal of care in selecting it and he had followed precisely that provided by Section 24 of the Act of 1870. The Act of 1870 entitled tenants to be awarded compensation for capricious eviction, and also compensation for improvements. The case went, in the first instance, to the Court of Civil Bill, and on appeal from that to the Judge of Assize; and all the provisions he had introduced were little more than repetitions of the provisions in that section as regarded the procedure and mode of hearing. The tribunal which he had selected was one of the Judges of Assize. He had selected that tribunal as the normal tribunal, because it had been selected under the Act of 1870, and under the Local Government Act, 1898. It was the natural tribunal to deal with questions arising in the county where the assizes were held; but he was quite aware that the objection might be made that as the Court of Assize sat only twice a year great delay might be caused by the absence of an appellate tribunal which should be open to the parties aggrieved in the interval when the Court of Assize was not sitting. For that reason, he had selected another tribunal merely to assist, more than anything else, in disposing of the delay, and the tribunal which he had selected was the King's Bench Division of the High Court of Justice. First, there was the precedent of the election petition. When the House of Commons dispensed with the power of dealing with election petitions, they selected the Court of Common Pleas, as it was then, and petitions were heard and disposed of by Judges of that Court selected by rota. In the Canadian Act a provision similar to that which he had proposed was introduced, and the appeal was to the King's Bench Division of the Court, to be tried and disposed of, of course, by a Judge of that Court selected by rota. It was inconceivable to him what real objection there could be to the Court of Assize; it was the tribunal that came home in its operations to the vast majority of the people of Ireland, because the Judges of Assize exercised a jurisdiction which was unknown in England. They sat to try, as Judges of law and fact, what were called Civil Bill Appeals. Where there was a proceeding in the County Court, if the party was not satisfied with the decision of the County Court Judge he appealed by the most simple and inexpensive process to the Judge of Assize; and the Judge of Assize, sitting alone, re-tried the case. It was a small record, it was cheap, it was speedy, and it was satisfactory. He did not believe there was a judicial proceeding of any kind in Ireland which gave more satisfaction, came home more to the people, and did more to give them their ideas and knowledge of legal obligation and justice. Therefore, it was the natural tribunal to select for the trial of these cases. It was the local tribunal. If any other tribunal were selected, it would be extremely easy for the Estates Commissioners to send down one of their army of subordinates with the necessary documents and have the question investigated; but it might be an extremely irksome and annoying process to bring either a landlord or a planter up from the country to Dublin to have his case decided in Dublin. The only other possible alternative was, that a wandering Judge should be sent here, there, and all round the country everywhere to try upon the spot these disputes. He could not see the advantage of that; and therefore it appeared to him that the ordinary tribunal ought to be the Judge of Assize. But, to meet the objection, which he anticipated might be made, that there would be no tribunal available in the intervals between assize and assize, he had selected the only one possible, that was, the Court of King's Bench—the matter to be disposed of by the Judge selected from a rota. To obviate any difficulty that might arise, he had inserted clauses which provided for ample and speedy powers of transfer. If one party to a dispute brought his case to the King's Bench Division, and another to the Assize Court, there was a provision that either the one could be transferred from the Assize Court to the Court of King's Bench or the other from the Court of King's Bench to the Assize Court, and when they got together before the same tribunal they could be consolidated. There was ample power to bring all disputes before the same tribunal, and to have them dealt with and settled speedily and without unnecessary expense. If there were to be any tribunal at all, he was entirely unable to see what better one could be selected. He was, however, not at all bigotedly attached to that particular tribunal, but he had thought, to use a legal phrase, that he might "estop" the Government from objecting to it, because it was the tribunal selected by Mr. Gladstone in his Act of 1870. He was obliged to refer to that tribunal the question of the propriety or the necessity of putting these compulsory powers into force at all. In that he had followed the precedent of the Local Government Act of 1898, where, as he had already explained, in the question of the compulsory acquisition of land for the purpose of enlarging roads that procedure was taken. He quite admitted that it might not be the best conceivable tribunal to try the question whether the compulsory powers ought to be put into force at all. If that was so, he begged to remind the noble Earl that the fault was not his. The Government had chosen to depart from all known precedent.

Any person who was acquainted with the proceedings before a Select Committee in the case of a private Bill knew that the first thing that would probably be found in most cases in a private Bill was a preamble beginning: "Whereas it is desirable that such-and-such works should be done, and whereas it is impossible to carry out the project without compulsory powers to acquire land." That was the matter which the Committee investigated. If they proceeded by a Provisional Order, and they went before the Local Government Board, the first thing of which they had to convince the Board was the propriety and necessity of giving compulsory powers. Under the Allotments Act, when a parish council or a district council wanted to get compulsory powers, they had to go before the county council, and convince them that they ought to get compulsory powers, and no single instance could be found where the parties who wished to exercise compulsory powers were absolved from obtaining the approval of some superior tribunal. Therefore, if there was any difficulty in the way the Government had created it themselves by endeavouring to authorise two gentlemen to go to any owner of property and say: "We tell you we want to acquire compulsorily your land; we do not require any person to approve of our doing so; we are not called upon to say that we cannot dispense with it; we think it expedient, and you must give it to us." He could at any rate say for himself that as long as he had the honour of belonging to any tribunal he would never consent to such a power being given to any human being, or refrain from raising his voice against it. He believed it was wrong, tyrannical, and unjust, and for that reason he thought such a power ought to be subject to review. The only conceivable way in which he could see that it could be subject to review was to make it one of the matters of fact which would be brought up for revision before the tribunal, whatever that tribunal might be. An objection had been made by the noble Earl that this would cause great delay, but the noble Earl was entirely under a misapprehension. It would not cause anything of the kind. Supposing the Estates Commissioners made an order to buy, there was nothing on earth to prevent the case being heard within a couple of months at the very outside. They, he presumed, had materials in their possession on which they came to the conclusion that the land ought to be acquired, and they had the Reports of the inspectors as to the value, upon which reports they based their offer. All these things were available. It could not be supposed that they went blindly at it, haphazard, without coming to any conclusion as to whether it was necessary. They had to ascertain whether there was any land available, and whether they were obliged to buy that particular land. They had all the material. The owner, or the tenant, as the case might be, would be ready to prove his case, and to show that there were reasons why his land ought not to be taken or why the price ought to be higher. But even if there should be delay, there was a great principle of justice involved, and even though delay might be incurred in the vindication of it, yet he did not think it was a tenable contention that the interests of the parties should be sacrificed, because occasionally delay might be interposed by the exercise of a necessary check upon this arbitrary power. Their Lordships would observe that Subsection (*k*) of his proposed new clause provided that the compensation to be paid to any owner of land in respect of the loss thereof should be deemed to be the purchase price of the land within the meaning of the Land Purchase Act. He was not particularly attached to that, but he had put it in in aid of the Government, for the reason that unless that were done they could not get the officials under the Land Purchase Act to pay compensation. But if the Government chose, that provision could be struck out, and they could provide in some other way for the difference between the amount of compensation and the sum at which they would be able to resell the land. He need hardly point out that it was a perfectly common case—it was provided for where the Estates Commissioners bought land which they could not sell to the tenant for what they had paid for it. There was a provision introduced to meet deficits, and if they were obliged to pay the man whom they compulsorily expropriated more than they could themselves obtain, then surely it was not on the man expropriated that the cost should fall. He could not understand with what face the contention was put forward, that because it suited the Government to sell to an evicted tenant at a small price, therefore they might acquire at the same price, under compulsion, the land necessary for them to sell. He could not understand how it could possibly be contended that because the Government wished to favour these men who had been evicted, and because in order to favour them it was necessary to resell land at a low price, therefore they must buy compulsorily from the owner at the same price to enable them to carry out their desire to benefit these evicted men. He submitted that that was entirely wrong. He repeated that if the noble Earl so desired he was quite willing that this clause should be amended, but in any case it would be the business of the Government to provide from some other fund the amount of the deficit between what they had paid and what they had received. Certainly the loss should not fall upon the man who was compulsorily deprived of this land.

Amendment moved—

"In page 3, line 29, after the word 'withdrawn' to insert the words 'the Estates Commissioners or any two of them shall hear and by order determine.'"—(*Lord Atkinson.*)

* THE EARL OF CREWE: I am entirely in the hands of the House as to continuing the debate at this moment. I have observed, interested as the whole House undoubtedly has been in the very clear statement of the noble and learned Lord, yet a good many eyes have been cast towards the clock. I think it is clearly not possible to finish the debate on this subject this evening, but I am entirely in the hands of the House as to whether I should now reply to the noble and learned Lord or postpone doing so until Monday. If noble Lords think there is any advantage in my speaking now I shall be very happy to do so. In either case it is an advantage to us to have had the very clear statement of the noble and learned Lord. Perhaps the noble Marquess will tell us what he thinks.

* THE MARQUESS OF LANSDOWNE: I think the matter is one entirely in the hands of the noble Earl.

* THE EARL OF CREWE: Then I think we will adjourn.

House resumed, and to be again in Committee on Monday next. The Committee to have precedence of other Notices and Orders of the day.

BUTTER AND MARGARINE BILL.

Amendments reported (according to order); and Bill to be read 3^a on Monday next.

FATAL ACCIDENTS (DAMAGES) BILL [H.L.]

Read 3^a (according to order), and passed, and sent to the Commons.

VACCINATION (SCOTLAND) BILL [H.L.]

Read 3^a (according to order,) and passed, and sent to the Commons.

PROBATION OF OFFENDERS (No. 2) BILL.

Read 3^a (according to order), with the Amendments; and passed, and returned to the Commons.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Brought from the Commons and read 1^a; to be printed; and to be read 2^a on Tuesday next.—(*The Lord Chancellor.*) (No. 167.)

BUSINESS OF THE HOUSE.

THE MARQUESS OF RIPON: My Lords before I move the adjournment of the House I beg to propose that the Evicted Tenants (Ireland) Bill shall take precedence of other business on Monday. My noble friend the Marquess of Lansdowne, who has now left the House, agrees to this course. I regret to say that the most rev. Primate, who had a Motion upon the Paper, and who has been good enough to withdraw it, is not very well, although his illness is nothing very serious. My noble friend Lord Ribblesdale also had a Motion which he is willing should stand over, and I therefore beg to move that the Evicted Tenants Bill take precedence on Monday of other Motions.

On Question, agreed to.

House adjourned at twenty minutes before Twelve o'clock to Monday next, a quarter past Four o'clock.

HOUSE OF COMMONS.

Friday, 9th August, 1907.

The House met at Twelve noon of the Clock.

Message to attend the Lords Commissioners.

The House went; and, having returned,

Mr. SPEAKER reported the Royal Assent to a number of Bills. (*See* page 485).

PRIVATE BILL BUSINESS.

Swansea Harbour Bill.—Lords' Amendments considered, and agreed to.

City of London (Union of Parishes) Bill [Lords].—Read the third time, and passed, with Amendments.

Metropolitan Water Board (Charges, etc.) Bill.—Read the third time, and passed.

PETITIONS.

EDUCATION (SCOTLAND) BILL.

Petition from Fraserburgh, for alteration; to lie upon the Table.

ELEMENTARY TEACHERS' SUPERANNUATION ACT, 1898.

Petition of the Certificated Elementary School Women Teachers under the Board of Education, for alteration of Law; to lie upon the Table.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Petition from Dumfries, against; to lie upon the Table.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Petition of the North-East of Scotland Land Defence Association, for alteration; to lie upon the Table.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Petition from East Aberdeenshire, in favour; to lie upon the Table.

WEEKLY REST-DAY BILL.

Petition from Pirbright and other places, in favour; to lie upon the Table.

RETURNS, REPORTS, ETC.

PERMANENT CHARGES COMMUTATION.

Return [presented 8th August]; to be printed. [No. 292.]

CHARITABLE DONATIONS AND BEQUESTS (IRELAND).

Copy presented, of Sixty-second Annual Report of the Commissioners of Charitable Donations and Bequests for Ireland [by Command]; to lie upon the Table.

QUEEN'S COLLEGE (BELFAST).

Copy presented, of Annual Report of the President for 1906–7 [by Command]; to lie upon the Table.

ARMY (RECURRENT EXPENDITURE).

Return presented, relative thereto [Address 12th March; *Mr. Bellairs*]; to lie upon the Table, and to be printed. [No. 293.]

UNITED KINGDOM (TRADE, COMMERCE, AND CONDITION OF PEOPLE).

Return presented, relative thereto [ordered 9th July; *Mr. Essex*]; to li upon the Table, and to be printed. [No. 294.]

BANKRUPTCY.

Copy presented, of Twenty-fourth General Annual Report by the Board of Trade under the Bankruptcy Act, 1883 [by Act]; to lie upon the Table, and to be printed. [No. 295.]

NORTHERN NIGERIA.

Copy presented, of Correspondence relating to Sokoto, Hedeija, and the Munshi Country [by Command]; to lie upon the Table.

TRADE REPORTS (ANNUAL SERIES).

Copies presented, of Diplomatic and Consular Reports, Annual Series. Nos.

3889 and 3890 [by Command]; to lie upon the Table.

CROFTERS' HOLDINGS (SCOTLAND) ACTS.

Copy ordered, "of the Crofters' Holdings (Scotland) Acts, indicating the extensions and Amendments thereof proposed by the Small Landholders (Scotland) Bill (as amended by the Standing Committee on Scottish Bills and on Report)."—(*Mr. Sinclair.*)

Copy presented accordingly; to lie upon the Table, and to be printed. [No. 296.]

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Vaccination Exemption Certificates.

MR. LUPTON (Lincolnshire, Sleaford): To ask the President of the Local Government Board what is the number of certificates of conscientious objection to vaccination granted during the year 1906.

(*Answered by Mr. John Burns.*) The number of certificates of conscientious objection to vaccination received by vaccination officers in 1906 was 52,391.

Appointment of Assistant Inspector of Postmen at Durham.

MR. O'GRADY (Leeds, E.): To ask the Postmaster-General whether he is aware that a vacancy for an assistant inspector of postmen at Durham has been filled by a man from Harrogate, and that men of good character at Durham, with service ranging from fifteen to twenty-nine years, have been passed over; whether the postmaster of Durham objects to men being promoted in his own office, but is willing to recommend them for promotion elsewhere; and whether he has sanctioned this restriction on promotion.

(*Answered by Mr. Sydney Buxton.*) A new appointment has recently been authorised for an inspector of postmen at Durham. There was, unfortunately, no postman at that office fully qualified to fill the new position, and it was therefore necessary to select an eligible officer from another town. I have no reason to suppose that the postmaster of Durham entertains the view suggested by the hon. Member, but I should certainly not countenance any exclusion of well-qualified Durham officers from promotion in their own office.

Treatment of a Superintendent at Newry Post Office.

MR. MOONEY (Newry): To ask the Postmaster-General if he will grant an independent inquiry into the allegations made as to the treatment of a superintendent in the Newry post office whose case has recently been brought before him.

(*Answered by Mr. Sydney Buxton.*) I understand the hon. Member's Question to refer to certain allegations of unfair treatment by the postmaster which were put forward recently by an overseer at Newry. Those allegations have been carefully investigated and proved to be groundless. I do not consider any further inquiry necessary.

English and Irish Postal Stores Tenders.

MR. FIELD (Dublin, St. Patrick): To ask the Postmaster-General whether, seeing that Irish manufacturers are required to tender for the delivery of English Post Office stores in London, he will explain why English manufacturers are not required to tender for the delivery of Irish Post Office stores in Dublin; and who pays the cost of carriage on such stores sent from the London stores departments for use in the Irish Post Office service.

(*Answered by Mr. Sydney Buxton.*) The facts are not as the hon. Member supposes. English manufacturers do tender for delivery in Ireland of certain stores required in that country. The Post Office Vote bears the cost of the carriage of any stores sent from the Stores Department in London to Ireland.

MR. FIELD: To ask the Postmaster-General whether manufacturers have to tender for delivery in London of the clothing supplies required in the Irish Post Office service; and, if so, who pays the cost of the carriage on these clothing supplies when sent from London to Ireland.

(*Answered by Mr. Sydney Buxton.*) The Answer is in the negative as regards uniform clothing and head dresses. The tenders are for delivery in Dublin. Cloth and other materials for making up, boots, and waterproofs must be delivered in London for expert examination. The Post Office Vote bears the cost of carriage from London to Ireland on these articles.

English and Irish Postal Stores.

MR. FIELD: To ask the Postmaster-General how many officials are employed in the London Post Office factories in connection with the making and repairing of Post Office stores; how many officials are similarly employed in Ireland in connection with the making and repairing of stores for the Irish Post Office service; whether the Government built these Post Office factories; what was the approximate outlay in constructing them; and where are they situated.

(*Answered by Mr. Sydney Buxton.*) The Post Office has two factories in London, one at Mount Pleasant, Clerkenwell, and one at Bovay Place, Holloway. It is not possible to state with any accuracy what the erection of these factories cost. At Holloway, part of the site was purchased with a building, since utilised, upon it; at Mount Pleasant, also, a block of buildings was on the ground when it was acquired, and, moreover, a part of the factory buildings erected by the Post Office has been devoted to other purposes. The number of men employed at the two factories is about 900. The Post Office has no other factories, either in Ireland or elsewhere.

English and Irish Postal Service and Promotions.

MR. FIELD: To ask the Postmaster-General whether the London postal service is treated separately from the provincial Post Office service, and all the superior appointments in it are given to London officials on the recommendation of the Controller; and, if so, will he explain why the Irish postal service is not treated separately as that of London, and why all superior Irish appointments are not given to officials serving in Ireland on the recommendation of the Irish authorities.

(*Answered by Mr. Sydney Buxton.*) The London postal service, like the postal service of every other town and city, whether in England, Scotland, or Ireland, is treated as a separate unit in matters of promotion, superior appointments being filled by transfer from elsewhere only when duly qualified officers cannot be found upon the local staff, a case which is rare when the staff is large, as in London. Postmasterships are open to the staff of the whole United Kingdom without distinction, but this mode of appointment cannot be conveniently applied to the officers who are designated postmasters in London, their position being dissimilar to that of postmasters elsewhere.

Irish Postal Stores.

MR. J. MACVEAGH (Down, S.): To ask the Postmaster-General whether, having regard to the unequal treatment inflicted upon Ireland in her financial relations with England, he will appoint a small departmental committee to inquire, during the recess, whether the Post Office stores imported from England to Ireland could, without detriment to the public service, be obtained in Ireland, and to ascertain what steps can be taken to give Irish contractors better opportunities of ascertaining what contracts are open from time to time.

(*Answered by Mr. Sydney Buxton.*) It is open to any Irish manufacturers who are not at present invited to tender to apply to the Controller of Stores to have their names put on his list of firms to whom tender forms should be sent, and their tenders will always be carefully considered. For many of the stores, however, which are used in the telegraph and telephone services there are no manufacturers in Ireland.

Post Office Construction—Reinforced Concrete.

MR. WHITEHEAD (Essex, S.E.): To ask the First Commissioner of Works whether Post Office buildings, other than the General Post Office, are being constructed, or are about to be constructed, of reinforced concrete; and, if so, how many, and where; whether the estimates for any such Post Office buildings show any material economy compared with Post Office buildings erected with ordinary materials; and, if so, what is the extent of the saving, approximately, per cubic foot of building.

(*Answered by Mr. Harcourt.*) The other buildings being constructed, or about to be constructed, of reinforced concrete are—

The Manchester Principal Sorting Office.
Birmingham: Store Building.
London: Western District Post Office.

The approximate savings are 20 per cent.

Sanitary Condition of Cold Norton School, Essex.

MR. WHITEHEAD: To ask the President of the Board of Education whether his attention has been called to complaints of inhabitants of the parish of Cold Norton, Essex, that Cold Norton school is not fit on sanitary and other grounds for educational purposes, and to the fact that the building has been condemned by the county education authority as long ago as 1904; whether the poorer inhabitants are still being compelled by law to send their children to this condemned building; and, if so, whether he proposes to take any action in the matter.

(*Answered by Mr. McKenna.*) The building of this school is far from satisfactory, but I am not aware that it was condemned by the county education authority; in fact it was, to a considerable extent, due to the repeated requests of that authority that it was placed on the annual grant list. So long as the school is recognised as a public elementary school it is regarded as affording efficient instruction for the children who attend it and thereby satisfying the requirements of the by-laws. The recognition of the school will expire in March next, and I am in communication with the local education authority as to the best means of providing suitable accommodation for these children after that date. I may add that the average attendance at the school last year was only twenty-four.

Payment of Salaries of Merionethshire School Teachers.

LORD BALCARRES (Lancashire, Chorley): To ask the President of the Board of Education if all the quarterly salaries due to the teachers in non-provided schools of Merionethshire have now been paid; if so, by whom, and on what date were such payments made.

(*Answered by Mr. McKenna.*) I have no information on the subject of the noble Lord's Question.

LORD R. CECIL (Marylebone, E.): To ask the President of the Board of Education whether he has received any further communication from the Merionethshire local education authority; and, if so, what is its substance; and whether the Board of Education is now prepared to refund to the managers any salaries which may be paid by them to the teachers.

(*Answered by Mr. McKenna.*) I have now heard that the local education authority has intimated to the managers of several voluntary schools that if they pay salaries and send accounts to Whitehall the authority will raise no objection to the Board of Education repaying to the managers the sums recognised by the authority as due for salaries. In reply to the last part of the Question, I cannot undertake to give a guarantee to refund to the managers any salaries which may be paid by them to the teachers, as such a step would not be in accordance with the provisions of The Education (Local Authority Default) Act, 1904, but the fact that the local authority raise no objection to such payment to the managers would certainly be taken into account by the Board of Education in coming to a conclusion whether or not it is expedient to proceed in accordance with the provisions of that Act.

Saturday Half-holiday in Government Offices.

MR. J. MACVEAGH: To ask the Secretary to the Treasury if he can state whether a weekly Saturday half-holiday is granted in any Government office; if so, in what offices and on what conditions whether the privilege may be extended to all Government offices on the same conditions; and whether the clerks in offices in which this privilege is not granted are required to attend for the same number of hours on ordinary days as clerks who enjoy the weekly half-holiday.

(*Answered by Mr. Runciman.*) I am unable to add anything to the numerous Answers which I have given to Questions on this subject during the present session.

Promotion of Ridley Clerks.

MR. ALDEN (Middlesex, Tottenham): To ask the President of the Local Government Board whether he has any information as to the number of promotions of Ridley clerks in other Government offices; and, if so, whether, having regard to the fact that there are 113 such clerks at present serving in the Local Government Board, he will consider the advisability of making further promotions.

(*Answered by Mr. John Burns.*) I have received some information on this subject. As regards the latter part of the Question, I do not think I can add anything to the reply I gave my hon. friend on the 5th instant.†

Promotion of Second-Class Clerks.

MR. ALDEN: To ask the President of the Local Government Board how many second-class clerks of the Higher Division appointed under the Order in Council, 21st March, 1890, are employed in the Local Government Board; how many clerks have been promoted to higher posts under this Department from this class since its introduction, and the number of such promotions during the last five years.

(*Answered by Mr. John Burns.*) The Order in Council of 21st March, 1890, does not relate to the Higher Division. My hon. friend probably intends to refer to that of 15th August, 1890. At the present time there are employed in the Local Government Board twenty-three second-class clerks of the Higher Division who have been appointed to that Division since the date of the last-mentioned Order. Two of them have been promoted from the Second Division. The number of second-class clerks of the Higher Division appointed since 15th August, 1890, who have received advancement is sixteen. Of these fourteen have received advancement during the last five years.

Lough Neagh Fisheries—Representation on Advisory Committee.

MR. J. MACVEAGH: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can explain why the Lough Neagh fisheries, the produce of which goes directly to the support of a community of at least 3,000 people, are not represented on the advisory committee to the fishery authority; and whether, in case of any changes being made by the Department, he will have this state of affairs remedied for the benefit of Lough Neagh.

(*Answered by Mr. T. W. Russell.*) The intention of the Department in forming their advisory committee on fisheries was, I am informed, that the committee should be composed of gentlemen generally experienced in fishery matters, and who, instead of advocating particular interests, would look upon the whole Irish fisheries as a national asset and deal with questions submitted to them from that point of view. The Department consider that it would be advisable to adhere to that basis of selection. But I am of opinion that, even under such a scheme, the claims of Lough Neagh district should be considered in any rearrangement that may take place.

Navan (County Meath) Labourers Cottage Scheme—Delay in Holding Inquiry.

MR. PATRICK WHITE (Meath, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland why the inquiry by the Local Government Board to be held at Navan, county Meath, into the application for labourers cottages has been so long delayed.

(*Answered by Mr. Birrell.*) There has been no delay in this case. The petition for confirmation of the scheme was received by the Local Government Board from the Council on 30th July. Arrangements are being made for holding the inquiry as soon as practicable, having regard to the statutory notices which must be given.

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† See (4) *Debates*, clxxix., 1519–20.

Irish Petty Sessions Clerks—Pay of Substitutes during Absence.

MR. PATRICK WHITE: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether clerks of petty sessions in Ireland have to pay substitutes to do their work in case of illness or during vacation; and, if so, will he take steps to alter this practice, more especially having regard to the fact that their department yields a surplus annually.

(*Answered by Mr. Birrell.*) The reply to the first part of the Question is in the affirmative, and to the second in the negative. The ordinary receipts of the department from fines and fees are insufficient to meet its expenses, and the deficit is made good by an annual transfer from the receipts for dog licences, which otherwise go to local authorities.

Commutation of Warrant Officers' Pensions.

MR. WHITEHEAD: To ask the Secretary of State for War whether he is now in a position to modify in favour of warrant officers the regulation which prevents them from commuting any part of their pensions before fifty-five; and, if so, what changes he proposes to make.

(*Answered by Mr. Secretary Haldane.*) The matter is still under consideration.

Manual of Military Law and King's Regulations—Issue of New Editions.

COLONEL LONG (Worcestershire, Evesham): To ask the Secretary for State for War whether he will have fresh and corrected editions of the Official Manual of Military Law and of the King's Regulations issued in time to supply officers preparing during the coming winter for their examination for promotion with the information necessary for passing successfully.

(*Answered by Mr. Secretary Haldane.*) Both these books are in course of revision. The Manual of Military Law will shortly be sent to press, and copies should be available before the end of the year. The revise of the King's Regulations is not in so forward a state, but it is hoped will be completed by the end of the year.

Berks Imperial Yeomanry Band and Political Demonstration.

MR. PATRICK O'BRIEN (Kilkenny): To ask the Secretary of State for War whether his attention has been called to an advertisement of a Conservative fête and demonstration to be held in Inglewood Park, near Kintbury, on Saturday, 10th August, at which the band of the Berks Imperial Yeomanry is announced to perform; whether it is with the sanction of the War Office authorities that this band is to take part in a political demonstration; and, if not, whether he will take any, and what, action in the matter.

(*Answered by Mr. Secretary Haldane.*) My attention has been called to this matter. The arrangement has not received the sanction of the War Office, and action has been taken to prevent any breach of the regulations.

ADJOURNMENT.

Resolved, That this House do, at the rising of the House this day, adjourn till Monday next.—(*Captain Norton.*)

CONSOLIDATED FUND (APPROPRIATION) BILL.

To be printed. [Bill 309.]

SELECTION (STANDING COMMITTEES).

SIR WILLIAM BRAMPTON GURDON reported from the Committee of Selection; That they had discharged the following Members from Standing Committee B (in respect of the Factory and Workshop Bill [Lords] and of the Cabs and Stage Carriages (London) Bill): Mr. Burns, Dr. Macnamara, Mr. Flynn, Mr. Kennedy, Mr. Kettle, Mr. Meehan, Mr. Mooney, Mr. Nannetti, Mr. Henniker Heaton, Mr. Haddock, and Mr. Parker; and had appointed in substitution (in respect of the Factory and Workshop Bill [Lords] and of the Cabs and Stage Carriages (London) Bill): Mr. Secretary Gladstone, Mr. Herbert Samuel, Mr. Jeremiah MacVeagh, Mr. William Abraham (Cork), Mr. Halpin, Mr. Lardner, Mr. John Murphy.

Mr. Ffrench, Mr. Bowles, Sir Frederick Banbury, and Mr. George Henry Roberts.

Sir WILLIAM BRAMPTON GURDON further reported from the Committee; That they had added to Standing Committee B the following Fifteen Members (in respect of the Factory and Workshop Bill [Lords] and of the Cabs and Stage Carriages (London) Bill): Mr. Brace, Mr. T. L. Corbett, Lord Edmund Talbot, Mr. Lambton, Mr. Hunt, Mr. T. P. O'Connor, Mr. John O'Connor, Mr. William Tyson Wilson, Mr. Ramsay Macdonald, Mr. John Johnson, Mr. Masterman, Mr. John Tennant, Dr. Shipman, Mr. Wedgwood, and Mr. Charles Nicholson.

Sir WILLIAM BRAMPTON GURDON further reported from the Committee; That they had discharged the following Members from Standing Committee C (in respect of the Employers' Liability (Insurance Companies) Bill and of the Companies Bill [Lords]): Mr. Paul, Mr. James Duncan, Sir Edward Strachey, Mr. Barran, Mr. Hart-Davies, Mr. Osmond Williams, Sir Albert Spicer, Sir Francis Channing, and Mr. Whitehead; and had appointed in substitution (in respect of the Employers' Liability (Insurance Companies) Bill and of the Companies Bill [Lords]): Mr. Bertram, Mr. Gibb, Mr. Attorney-General, Sir Edwin Cornwall, Mr. Charles Roberts, Mr. Higham, Mr. King, Mr. Ridsdale, and Sir Frederick Cawley.

Sir WILLIAM BRAMPTON GURDON further reported from the Committee: That they had added to Standing Committee C the following fifteen Members (in respect of the Employers' Liability (Insurance Companies) Bill and of the Companies Bill [Lords]): Mr. Bell, Mr. Claude Hay, Mr. Rawlinson, Mr. Gordon, Lord Robert Cecil, Mr. Thomas Frederick Richards, Mr. Patrick White, Dr. Ambrose, Mr. Walter Rea, Mr. Lupton, Mr. Theodore Taylor, Mr. M'Laren, Mr. Beauchamp, Mr. Rendall, and Mr. Horniman.

Reports to lie upon the Table.

MESSAGE FROM THE LORDS.

That they have agreed to; Released Persons (Poor Law Relief) Bill; Paisley Corporation Order Confirmation Bill, without Amendment; London County Council (Tramways and Improvements) Bill, with Amendments.

Amendments to; Salmon and Freshwater Fisheries Bill [Lords], without Amendment.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. COCHRANE (Ayrshire, N.) in moving the rejection of the measure, said they had now arrived at the concluding stages of a very prolonged discussion of the Small Landholders (Scotland) Bill, on which they had spent twenty-three days in Grand Committee, and, owing to circumstances over which they had no control, a very large proportion of the measure still remained undiscussed. The criticisms directed against the Bill had come from both sides of the House, the most stringent from hon. Members opposite, who, from their experience and skill in agricultural matters and public affairs generally, were calculated to give to the House a great deal of guidance on the merits of this measure. One of the first objections to the Bill related purely to its drafting. Hon. Members would realise the difficulties which faced them in Grand Committee in endeavouring to discover what the meaning of the Bill was. It referred directly to some three or four Acts of Parliament, but indirectly, when they came to deal with the various clauses, they found that they had to wade through statutes of great complexity and length, and it became impossible to understand what the scope and effect of the Bill would be. They referred back, from time to time, to no less than thirteen Acts of Parliament. He respectfully submitted that legislation by reference at any time was undesirable; but in a measure of this kind, which would have to be interpreted by men of no skill in the law, by farmers and small holders, and those concerned in the agricultural interest, it was most desirable that the measure should have borne on the face of it the various statutes to which it referred. In this view he did not stand alone. He had the strongest possible opinion on his side, for during the discussion of the Agricultural Holdings Bill, in 1900, two learned Gentlemen now sitting on the Government Bench, founded their criticism of that measure solely on the fact of the aggravated form of legislation by reference which it disclosed. The Lord Advocate offered a very strong expression of opinion, and reminded them of the old lady's description of a sheep's head, that it was "very confused feeding." As very often happened, the learned Solicitor-General went one better than the Lord Advocate; he was still more stringent in his criticism, and he said what was very germane to the present subject of discussion—

> "By the machinery of this Bill, the landlord and tenant of Scotland are to settle down to ascertain their rights at the close of a tenancy. That is the kind of Bill we should expect—a Bill that would tell its own story upon its face, which anyone who runs may read. It ought to be clear, distinct, concise, and self-contained."

Anyone who read this Bill would see how well that filled in every possible particular. The hon. and learned Gentleman then went one better still, for with great self-sacrifice, he made a suggestion to the Government, which he hoped he would repeat now. So dissatisfied was he with the form in which the Bill was drafted, that he offered to devote a portion of the Easter recess, then approaching, and with the material which the Government had given, to "frame a Bill which would tell its own story on its face, so that he who runs may read." He would venture to suggest to the learned Solicitor-General that ample occupation for the Autumn holiday presented itself in the Bill now before the House, and the kindest thing which he could do to the House and country would be to redraft it in a condensed and comprehensive form so that he who ran might read; and then, if in abridged, wiser, and saner guise it were reintroduced in the succeeding session, and it proved really calculated to deal with the evils under which the rural population suffered, and set on the land a greater number of small holders, it would find no warmer sympathisers and friends than would be forthcoming on his side of the House. If the drafting of the Bill was confused, so also was the description which various Members of the Government had given of its objects and intentions. He would not go into the old story of the "blank denial," which was one of the original reasons brought forward for the introduction of a measure such as this, because he thought that the right hon. Gentleman who had given publicity to that phrase had perhaps somewhat modified it in subsequent speeches.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): Not in the least.

MR. COCHRANE said that if the right hon. Gentleman had not modified it in subsequent speeches, at any rate the evidence on which he based his charge, as anyone who read the evidence would see, was not such as in any way supported or carried out the allegation. Another informal charge, or at least another reason for the promotion of this measure was given tentative effect by the Lord Advocate in one of his speeches, in which he said the Bill was designed to prevent arbitrary evictions. Subsequently the right hon. Gentleman modified that view, and he failed, as others failed, to produce any concrete cases in Scotland sufficient in number and importance in any way to substantiate such a grave and unfair charge. The Solicitor-General at a meeting in Perth could not contain himself any longer, and he repeated his charge there as to arbitrary evictions. He would like to challenge the Lord Advocate and the Solicitor-General to substantiate the charge against the landed interest in Scotland. They were told that the Bill would arrest depopulation in the rural areas, and that it was founded upon the valuable experience gained during the operation of the Act of 1886 in the crofting areas. No more amazing statement than the assertion that the Crofters Acts had arrested depopulation in the Highland districts could possibly be made. He would take two instances from the Returns, and he would take Skye as a typical instance in the Highlands. There he found that whereas the population between 1871 and 1881 decreased by 9·95 per cent., between 1881 and 1891 after the commencement of the Crofters Acts the population decreased by 6·87 per cent. After the Crofters Act had been in full operation he found that between 1891 and 1901 the rural population in Skye had decreased by 12·4 per cent., which was greater than the average decrease throughout Scotland. In the county of Inverness the decrease was 16 per cent between 1891 and 1901, but when they examined it a little closer they found that the drift had been from the country districts into the towns. The towns and villages in the County of Inverness had increased during that period by 3,018, and the rural population had decreased by 3,030. When they claimed that the Crofters Acts had arrested depopulation they were resting their case upon a slender, insufficient, and inaccurate basis. The hon. Member for the Blackfriars Division of Glasgow had claimed that this measure would do a great deal in the direction of remedying over-crowding in the large towns in Scotland. How was it going to prevent that? The hon. Member for Blackfriars had claimed that every Bill introduced by the Government would diminish the overcrowding evil. He made a claim of that kind in regard to the Valuation Bill for Scotland, and only the previous night he had argued that if the tramways in Glasgow were not taxed to their full value they would assist the question of the housing of the working classes. What would be the real result of this measure? He ventured to say that it would have an entirely contrary result to that anticipated by its promoters. What did the promoters of the Bill desire? Their object was to increase the number of small holdings throughout Scotland. He did not see how they would accomplish this object if they cut themselves off from that voluntary effort which had done so much to create small holdings in the past. They might create an artificial demand for small holdings, but would it be upon such a sound and safe basis as would be likely to lead to satisfactory results? The small landholders could not live upon stimulants alone; they would want some solid food as well. To create a false appetite and expect good healthy results was to proceed on thoroughly unsound lines. Sir Charles Renshaw, who had taken a deep interest in this question, had lately endeavoured by the means at his disposal and under the power conferred by the Act of 1894 to ascertain what demand there was in Renfrewshire and give effect to that demand. He said that the County Association advertised for weeks in every paper that they were prepared to sell or let small holdings to any deserving or suitable tenants. After applying to every parish council to assist them, and taking every means in their power, they managed to get only three applications, and when those came to be tested two of them withdrew, and the third turned out to be an application not from a farm labourer but from a photographer who desired to have a nice little country place in which to carry on his business. They had heard a great deal about intensive cultivation, and they were all in favour of it, but if that was to include the development of photographic plates they were departing from the real objects of such legislation. What would be the position of the small holder when he was created? He was to be placed upon part of a farm presumably now being cultivated by a tenant farmer and being cultivated to the very best purpose. That farmer would find himself placed in a reduced area with the same sized farm buildings, and consequently an increased expenditure. Could it be expected that he would look upon the small landholder, who had been foisted upon him, with friendly feelings? They were now dealing with 62,000 small holdings of under fifty acres which had all been created by voluntary effort, which they would now put a stop to. Those voluntary holdings formed 70 per cent. of the entire holdings in Scotland. The landlord was now left in the position of a rent-charger, a mortgagee, and a tax-gatherer, who could not choose his own tenants, and found himself, instead of being a landlord ready to be the friend and come to the assistance of his tenants, in the position more of a detective who had to watch carefully the tenant to see that he did not dilapidate and deteriorate the holding. [MINISTERIAL cries of "No."] At any rate that was his opinion as to what would happen. They placed the smallholder in charge of the Agricultural Commissioners, who were a corporation of whom it might be said that they had neither a soul to save nor a body to be kicked. This corporation was few in number and their duties were scattered throughout the whole of Scotland. Under those circumstances how could they assume responsibility towards each individual small landholder. In the interests of the country it was far better for a small holder to have the warm sympathy which the landlord had always shown towards his tenants in times past. One of the principal drawbacks of the Bill was the lack of responsibility, because the landlord had practically no responsibility except to collect his rents. The Agricultural Commissioners had no direct responsibility, because they were scattered about the various parts of the country. The right hon. Gentleman had refused to meet the real demand which was for the ownership of the soil, and the Government had rejected proposals for purchase. Had they really thought what the desire of all classes of persons throughout the country was in this respect? Was it not the pride of ownership, and was it not much better for them to own their own land? One element which made agricultural pursuits more attractive, was the feeling that a man was working his own land and that all the labour he put into it and the results from that labour were for himself and his family, without any tie or obligation, or any resort to Agricultural Commissioners or landlords. Under the Bill a small landholder would not be the owner, and the landlord would not be the owner in the full sense of the word. Was it likely that a man would take the same interest in a farm of which he was not the owner? Common sense led them to draw a conclusion in the opposite direction. The right hon. Gentleman opposite said that purchase might be very well but they had to consider the expense. He did not think that argument would appeal to hon. Members who had sat through the debates this session. The Government endeavoured to lavish £650,000 upon Ireland, who was the spoilt child of the House of Commons, but they denied to Scotland a sum which might be sufficient to place upon the soil a thriving and contented peasantry. The plea that they had not the money was a thoroughly dishonest one. Surely the money which had been so contemptuously refused by hon. Members from Ireland might have been made available for Scotland. The right hon. Gentleman said it was cheaper to take the land in the way proposed. He ventured to say that they should take something into consideration besides cheapness. It was proposed to take the buildings and the equipment from the landlord without payment. That was dishonest. After they had deprived the landlord of ownership, he would still have the name of owner. What was the position of a landowner when divorced from the responsibilities and duties of a landowner? A mere rent-charger and collector who watched that the tenant did not dilapidate his holding. The pretence of leaving him the landowner would not deceive anyone. He himself would eagerly welcome any well-devised scheme for the purpose of creating small holdings throughout Scotland, but he thought the right course to pursue was to take advice from those who were best qualified to give it, namely, the landlords. Did hon. Members pretend for a moment that the landlords of Scotland did not know their work, that they did not know the needs and demands of the different neighbourhoods, and that they were not honestly desirous of carrying out their responsible duties to the best of their power? The right hon. Gentleman would do well to co-operate with, and to enlist the sympathy of, the landlords in any scheme for the creation of small holdings. All landlords would be found to be anxious to increase the number of small holders, and they would support a measure designed to increase the number, but the condition precedent was that the attempt should be honestly, justly, and fairly made, without any wish to create an artificial demand and to sap the independence of the Scottish people. The Bill would produce a feeling of uncertainty throughout the agricultural districts, and would affect large farms and the investment of capital. It was unpopular with the existing small farmer, and with the labourer; and in the interests of the country generally he suggested that the Bill should be withdrawn and replaced by a more reasonable, workable, saner measure. He begged to move.

*MR. MITCHELL-THOMSON (Lanarkshire, N.W.), in seconding the Motion, said that when the Bill was passing through Committee, the Secretary for Scotland gave various promises that certain points would be reconsidered, and various undertakings that on other points Amendments would be made at a later stage. He was only giving expression to the feeling of those on that side of the House when he said they recognised that the pledges of the right hon. Gentleman had been honourably, scrupulously, and punctiliously fulfilled. The underlying object of the measure was to bring the people back to earn a profitable living on the land, and as to the desirableness of that object there was little, if any, controversy between the two sides of the House. But where the difference of view existed was as to the possibility of and the methods for achieving that end. What were the methods by which it was sought to achieve that end, and what were the reasons for adopting those methods? The answer to the first part of the question was very simple. He noticed that the Prime Minister was inclined to cavil the other day at the time which was spent on a particular part of Clause 1 the first day the guillotine resolution was in operation. He thought the right hon. Gentleman entirely failed to apprehend that it was precisely on that portion of the clause that the great weight of the opposition to this measure was rested. The words of the clause were—

> "From and after the commencement of this Act, and subject to the provisions thereof, the Crofters Acts shall be read and construed as if the expression 'landholder' were substituted for the expression 'crofter' occurring therein, and shall have effect throughout Scotland."

What was the justification for this proposal? Having listened patiently through the debates on the measure, he must admit that the question was still shrouded in mystery and obscurity. One searched vainly for evidence that the present proposal was founded on either the evidence or the recommendations of experts made after inquiry had been held. On the other hand they found not only in the opinions of practical agriculturists in Scotland, but in the Report of the Commission which was sent to Denmark to make inquiry into the system which obtained there, emphatic evidence against the proposals contained in the Bill. Inferentially, if not explicitly, the opinion of the President of the Board of Agriculture and of the First Commissioner of Works was against the Bill. What was the case for the proposal? The Lord Advocate, in his Second Reading speech, rested his case on the practical experience of the successful working of the Crofters Acts. He himself did not admit that those Acts had been a perfect panacea, but admitting for the sake of argument that they had been successful, still—and this was the essential point on which he and his friends rested their opposition—the differences which obtained between the conditions in the Lowlands and the conditions in the Highlands were such as to make the Crofters Acts inapplicable to the Lowlands. In the debates in Committee the hon. Members who spoke as representing the crofting constituencies referred to these differences. Sir George Trevelyan, who was responsible for the introduction of the Crofters Act of 1886, said on the First Reading that—

> "The proposal, if ever there was one, was based on and limited to the special and local circumstances of the districts to that which this Bill is intended to apply. It is a Bill intended strictly for the historical and local circumstances of a very peculiar district. The farms we are dealing with are farms where the landlord does nothing and the tenant does everything."

He made bold to say that if such Liberals were present now they would almost indubitably vote against the proposals of the Government. That was his answer to the Lord Advocate's statement that the present measure was based on the success of the Crofters Acts. Let them see how the proposals would affect the various classes who would come within the scope of the Bill. On the Second Reading the Solicitor-General for Scotland based the case for the Bill on the existence of arbitrary eviction. The hon. and learned Gentleman stated that the Bill would provide a certain remedy for arbitrary eviction. That might be so, but they had heard that argument before. When the Land Tenure Bill was before the House last session they were told that one thing it would do would be to provide a certain cure for cases of arbitrary eviction. Practically before the Land Tenure Act had had a chance of coming into operation, they were now told that an entirely different remedy was required. He doubted the necessity for the remedy. In listening to the debates on the Bill he had heard of only one case of arbitrary eviction, and that was a case where the landlord evicted the tenant from his holding because he considered that the tenant's family contained an undue proportion of girls to boys. He did not think the maxim *Ex uno disce omnes* could apply to this case. Apart altogether from the restraining sanction of the statute, the restraining sanction of public opinion would prevent such cases. Even if cases did escape through the meshes of these sanctions, they would necessarily be microscopic. What did they do for the small holder? They placed these men in a groove which was the weakest point in the operation of the Crofters Act. The Secretary to the Crofters Commission in giving evidence before the Departmental Committee was asked whether there were any disadvantages as well as advantages in the operation of the Crofters Act, and his answer was that no doubt the Act conferred great advantages, but it had its disadvantages, and the greatest of these was that it stereotyped the position of the crofter. That would be exactly the position of the small holder under this Bill. The small holder would be "cribbed, cabined and confined" by cast-iron formulas. As to the relations between the landlord and his tenants, was it really the opinion of right hon. and hon. Gentlemen opposite that this Bill would conduce to the smoother working of the relations between these two clases? He had read a speech in which a pathetic parallel was drawn between Naboth and the small holder. But it was not Naboth with whom they were concerned. The vineyard of which it was proposed compulsorily to take possession was not Naboth's but Ahab's. By this Bill, it was proposed to put Naboth into possession of Ahab's vineyard against the will of the owner by an arbitrary and irresponsible tribunal, and then a peaceful and happy state of things was expected to result! It was idle to expect a more peaceful state of things until a position was established which would enable a man to buy his own vineyard and live under his own vine and fig tree. The proposal which the Government made in the Bill was because they were unwilling to accept the burden of financial responsibility for purchase of the small holdings. As to the position of the agricultural labourer, there had been a conflict of opinion between the hon. Member for East Aberdeenshire and the hon. Member for West Fife. The former gave his opinion drawn from personal experience that the Bill was demanded by the agricultural labourers of Scotland and would be a great benefit to them. The latter declared that in his opinion the operation of the Bill would strike a very heavy blow at the position of the agricultural labourer and that it would displace agricultural labourers from their present position without the opportunity of replacing them by small holders. There was some ground for the belief that where small holdings were multiplied the tendency was to decrease wages. [A laugh.] The hon. Member laughed, but he had authority for his statement. He had consulted two Returns, made to this House and to the House of Lords. The one issued in 1905 dealt with the statistics relating to agriculture and with the question of the wages of the agricultural labourers in various parts of Scotland. The other Return presented a few weeks ago gave the number of holdings above and below fifty pounds rental. In the first Return Scotland was divided by counties into five groups according to the wages paid. In the first group the wages were 20s. a week and upwards; the second, 19s. to 20s.; the third, 18s. to 19s.; the fourth, 17s. to 18s.; the fifth, 16s. to 17s.; and the sixth, 15s. and under. In Group 1 the proportion of small holdings—that was holdings of fifty pounds and under—was 49 per cent., and of big holdings 51 per cent.; in Group 2 the numbers were 62 per cent. and 38 per cent.; in Group 3, 68 per cent. and 32 per cent.; in Group 4, 74 per cent. and 26 per cent.; in Group 5, 93 per cent. and 7 per cent.; and in Group 6, 95 per cent. and 5 per cent. These figures, he contended, were some justification for the opinion that where the small holdings were multiplied there was a tendency for wages to decrease. He maintained that from the farming class there had come, almost without exception, steady opposition to this Bill. The Prime Minister had mentioned one small meeting of farmers who were in favour of the Bill, but he was informed that afterwards that resolution was upset by a larger meeting.

SIR H. CAMPBELL-BANNERMAN said he would point out that at the meeting to which he referred, the resolution against the Bill did not get a seconder, and it was moved by the agent of the largest proprietor in the locality. On the other occasion the meeting represented apparently only big farmers.

*MR. MITCHELL-THOMSON said he understood that the account of the first meeting had been contradicted or criticised in other quarters. The point, however, which he wished to make was not only that it was the big farmers that were opposed to the Bill, but that every man whose farm was over fifty acres had an interest against it. He would have to compete in the market in the sale of his produce with a man who was subsidised by the State, and, in addition, he would have to pay his share of the taxes which provided the subsidy. That accounted for the opposition to the Bill that came from the farmers. From the point of view of the community, as his hon. friend had pointed out, the great defect of the Bill was that it gave no responsible owner. The English Bill did not lay itself open to that charge. He would like to know why there was this great and vital distinction between the arrangements of the Bills for Scotland and England. The only suggestion that he could think of was that they in Scotland were too proud to borrow the English system. He was proud of Scotland and yielded to no man in love for his native land. But when they considered this question as a business proposition—and hon. Members opposite contended that it should be so regarded —they could not draw from the point of view of nationality an arbitrary line of distinction between the commercial undertakings of England and Scotland. They could not stop in the application of a principle at the Cheviots as the border between England and Scotland in commercial interests. Caithness indeed had more in common with Cornwall, and Lanarkshire with Lancashire. His other objection to the Bill was that it made no provision for placing the small holdings on an economic basis so that they could be worked at a profit. That could only be done by co-operation and organisation, and for that there was no provision in the Bill. There was a clause which said that the Agricultural Commissioners might give assistance to the small holders, and that might possibly include suggestions for co-operation and organisation, but not a penny was provided to carry that out. He and his friends had always believed, and believed now, in the principle of occupying ownership. The hon. Member for Dumfries had alluded to the state of things in Denmark, but he would point out that the agricultural prosperity of Denmark dated from the time when the farms became the property of their occupiers. The hon. Member had stated that ownership had been reached through a system of tenant right. Did the hon. Member suggest that we should groan and travail at enormous expenses, as in the case of Ireland, through the Purgatory of tenant right before we reached the Elysian fields of occupying ownership? The argument of the hon. Gentleman was contrary to reason, and the experience of every other country—France, Denmark, and Ireland—had shown that occupying ownership must come. The proposals in the Bill retarded that day by the extension of circumstances which were peculiarly limited and local in their application. For these reasons he supported the Amendment of his hon. friend, and should vote for the rejection of the Bill.

Amendment proposed—

"To leave out the word 'now,' and at the end of the Question to add the words 'upon this day three months."—(*Mr. Cochrane.*)

Question proposed, "That the word 'now' stand part of the Question."

THE SECRETARY FOR SCOTLAND (Mr. SINCLAIR, Forfarshire): This Bill has had a long and stormy career, and we have now come to the last stage of it, but I do not think that the supporters of the measure have any cause to look with anything but satisfaction on its progress. It is a Bill upon which not only the judgment of the House, but of the Committee, has been taken on all important points, and I doubt whether any Bill of equal importance has passed through the House and through the Committee in regard to which so many satisfactory majorities have been recorded in favour of every single important provision. The criticisms which have been made to-day amount to this: in the first place that the Opposition are willing to view this proposal with favour. They admit the evil, and they recognise that some remedy must be found for it, but they say that this remedy will not do. Any Bill but this Bill! This Bill will not, it is said, meet the difficulty, but I am glad to see that there is an advance to-day, not only from the position taken up by the Leader of the Opposition earlier in the debate, but from that taken up by the right hon. Gentleman the Member for South Dublin not long ago. I am glad to see that there is some advance upon that in what the seconder of the Motion expresses as his view on this subject, that there is real need for such legislation as this. The Leader of the Opposition at an earlier period of our debates cast some doubt upon the need, and expressed a fear lest the measure should have a precisely opposite effect to that intended, and not meet those evils which we all wish to meet with speed, vigor, and energy, by stopping the migration of population from the country to the towns.

Mr. A. J. BALFOUR (City of London): The right hon. Gentleman misunderstood my argument. What I said was that if you desire to increase the number of the rural population from the point of view of public health, that, no doubt, might be done by any change in our system of tenure which increases that population. If this increases the number of heads of families in the country, from the hygienic point of view so much to the good. If, however, the birth-rate remains the same, the migration to the towns will be increased by that process.

Mr. SINCLAIR: So be it, but our object is to increase the rural population. We are making an effort to do that.

Mr A. J. BALFOUR: So far so good, but if your objection to the existing sytem is congestion in the towns, that would be increased by the increase of the normal rural population.

Mr. SINCLAIR: I do not follow the right hon. Gentleman at all. If there are more people in the country districts there will be more population.

Mr. A. J. BALFOUR: But there will be also a great stream into the towns.

Mr. SINCLAIR: But there are other influences reacting to check that. There has been too great a tendency to deny in country districts a career to people who would gladly not have gone into the towns, but would have been willingly content to seek a livelihood in country districts. I do not think that as a whole we have been sufficiently impressed by the magnitude of the drift into the towns, but I will not labor that point, because if we are agreed we are bound to seek a remedy. It is said that we are wrong in following the lines of the Crofters Act and that it has done nothing to stem depopulation. That is a very difficult position to maintain, because there is one great defect in the Crofters Act; it gives no opportunity for the creation of new holdings, and in the crofting areas there are plenty of people willing to take up new holdings but there is no opportunity for them to do so. If the demand for the creation of new holdings had been satisfied ten or fifteen years ago the evil of rural depopulation which we now have to face would have been mitigated. The criticism of this Bill has proceeded on an assumption which is not justified, that we, in considering this matter, shut ourselves down to the crofter solution; but it was perfectly open for us to look at the whole field and to adopt whatever solution we deemed best under the circumstances. We were aware that labour was leaving the country districts in Scotland, and that acres and acres of land in that country were going out of arable cultivation. There was an obligation resting on the Government, therefore, to make some proposal. We need not necessarily follow the method pursued in England, but we had experiments in Scotland by which we were guided. There was evidence in Scotland as well as in England in favour of our method. Reference has been made to the Report of the Small Holdings Committee—I am dealing now with the proposition that small holdings increase the population in a district. We have no fear that labour will be displaced by the creation of small holdings. I will quote from evidence from Perthshire. A witness instanced the case of the Blairgowrie fruit districts. In the old days, before the fruit industry was started, 600 acres there did not employ more than twenty hands throughout the year. Now there are 400 employed throughout the year. The rent in the old days was £900, now it is £3,000. The farm in the old days paid £104 in local rates, now it pays £345; whilst the wages now are £10,500, as against £728 formerly. I will not pursue the subject further. The Leader of the Opposition will say no doubt that that is a question of fruit-growing, and that all small holdings cannot cultivate fruit. However, I will give him particulars of a comparison between a piece of land on a large farm and small holdings at Lochmaben, in Dumfriesshire, of nearly equal size. The piece of land on the farm, which is slightly smaller than the small holdings, supports three families, while the latter supports twenty-four families. The rental of the large farm twenty years ago was £378 and of the small holdings £767. Now, while the former rent has decreased 18 per cent., the latter has decreased by only 4·2 per cent. On the large farm one ploughman is employed; on the small holdings seven. As to the profits and population, I think it is indisputable that we are on the right road when we are endeavouring to create small holdings and increase their number. I have been dealing with small holdings in Scotland. Let me give another illustration in England. Take the Vale of Evesham, where there has been a great increase of labour and profits under the system of small holdings. On twenty-four estates with a tenure very similar to that of this Bill, there are 850 tenants renting 1,800 acres. Some 3,000 cultivators of this class have sprung up in the last generation, and we think these instances justify the Government in proposing this legislation. Let me come to the Bill itself, and point out that the most important transaction attempted under this measure is the admission of existing tenants to its privileges. These existing tenants are there by agreement between the landlords and themselves. They have survived the devastating influence of the last two generations. That is a presumption in their favour that the holdings are economically sound. It is an indispensable preliminary to the creation of new holdings by public expenditure in Scotland that we should do something to preserve existing small holders. Otherwise we should be endeavouring to run water uphill, and while public money was being spent in the creation of new holdings existing holdings would be open to influence inimical to their existence. I recognise the reluctance of the good landlords to part with their interest in their property and in their tenant's welfare. It was one of the many objections of hon. Members opposite that this interfered with the landlords' interest in their own property, but those who urged this objection have to remember that this is a national concern, and whilst there are landlords who will submit to monetary sacrifices to maintain that interest under present conditions of tenure, it is a fact that these small holdings are not a paying form of property for the landlords and that over half the the rent is swallowed up in keeping them in good condition. It is the hope of the Government that under the new conditions this will be altered. We place in the hands of these tenants a right of which they cannot be deprived—namely, security of tenure. This is not a compulsory Bill in the sense that every tenant is compelled to exercise that right, but the Bill gives him an option. If the tenant chooses he can, after this Bill is passed, go on with his landlord as before, and remain under existing conditions, but he would never be deprived of the right which ultimately he might choose to exercise of having security of tenure and fair rent. Saving that, nothing prevents the small holder in Scotland remaining under present conditions. Some contend that to adopt this system is not fair. Is it fair to insist on a fair rent? Is it possible to avoid insisting on fair rent even under the alternative system of land purchase, which the Opposition has put forward, and contrasted with this measure? The landlord is not a mere rent-charger under the Bill. What about the landlord's right of feuing? The Bill simply puts tenants all round in the position in which tenants of good landlords are at the present time. We are depriving the landlords of only one right, the right of turning out tenants without reasonable cause—the right of arbitrary eviction. We give the landlords statutory protection with their property. And if we deprive the landlord of this one right of arbitrary eviction we throw on the tenant the burden of maintaining the holding. If the tenant leaves we say that he shall receive as compensation not the amount of the improvements, but the value of them to an incoming tenant. The criticism that the system set up is one of dual ownership, as in Ireland, is not accurate, and it ignores the wide difference between this and the Irish system. Under this system the landlord remains the absolute owner, and his property is more secure than before the passing of this Act, because not only does the land remain his own, but all the time, money, and labour that the tenant lays out on it. On this foundation a new rural economy in Scotland is possible. The occupiers of 50,000 holdings, including the crofter area, will be endowed with the right of security of tenure, and with that there may be some hope of success for the efforts of the Agricultural Commission and other Departments to educate, develop, and organise the rural resources of the country. In reference to the machinery for creating new holdings, it is a thousand pities that this was not done in 1886. It has been said that this machinery will prevent landowners making new holdings. We do not touch the right of landlords to make new holdings under the old system, and in that case the tenants will remain outside the provisions of this Bill. There is nothing to prevent them making new holdings or selling small holdings to a purchaser. That is as open in the future as it is now, and if they do so it is all to the good. But in my humble judgment it is not likely that they will, because they will prefer to adopt the cheaper procedure provided by the Bill. In no case do the owners of land stand to lose by the Bill. The compensation provided amply secures the landlord from any possible loss. It must also be remembered that if the Bill succeeds land will rise in value, and nobody will benefit from that so much as the owners of land, the men whom, by this Bill, we leave in the enjoyment of their ownership. It is for them in future to say whether or not they choose to retain their interest which remains so far as this Bill is concerned when this principle is accepted. No one can fairly deny that the interests of the owners of land are amply safeguarded in the creation of small holdings. If a scheme of new holdings is put forward which reduces the value of the land, compensation is provided. If holdings become vacant, compensation is provided. If holdings are a failure, compensation is provided. None of these contingencies are likely to happen, but to calm apprehension and to keep on the strict line of justice, these provisions have been inserted in the Bill. It is said that we ought to have adopted the alternative method of land purchase—the Irish system of purchase. I was somewhat amazed to see that whereas the experience of more than a generation in Ireland was sufficient to convince hon. Members opposite with regard to the value of purchase, a much greater experience in Scotland is not sufficient to show the value of the Scottish system. It has been said that the method of the Bill will prevent the employment of landlords' capital. Does not purchase have exactly the same effect? I do not believe in purchase in existing circumstances. There are great difficulties to face in a scheme of land purchase. Among them are the difficulties of subdivision and amalgamation of holdings. Purchase is a more rigid system. It also involves two generations before the instalments are paid off and the holding becomes the absolute possession of the holder. If hon. Members test the crofter system they will find in every part of Scotland which is under that system case after case of small crofters who have risen from the crofter *status* and taken large farms. I could give twenty cases from Argyllshire and twenty from Skye in which crofters have taken farms of the annual value of from £50 to £150. It has been said that the number of crofters is diminishing. One reason for that is that the Crofters Act does not provide that when the crofter gives up his holding the holding should remain under the Crofters Act. Another difficulty about the purchase scheme is its basis. What Government is going into the market for millions of money for the purpose? A generation has passed in argument. It is fifteen years since Parliament set its hand to this matter, and it has been inquiring ever since. The stage of inquiry has gone. In the last two generations every country in Europe has reorganised its agricultural system. It is the bounden duty of the present Government to bring forward these proposals. Purchase being so difficult a method, the Government had to consider whether the essentials could be got by some other method, and by a method which would be as little disturbing as possible and would take the line of least resistance. This country is slow to adopt radical changes. Experience everywhere has shown that, purchase or no purchase, security of tenure is the essence of the case. It is the very least that could be offered under the circumstances. The experience of Denmark, of Europe generally, aye and of Ireland, is that the most prosperous farming districts are those in which the farmers have security of tenure. I have quoted the case of Evesham. We know too the result of the crofter system in Scotland. Half the small holdings in Scotland are already held under security of tenure. Would it have been possible for any

Government to adopt two conflicting systems of land tenure without leading to constant friction and confusion? Security of tenure is the essence which the Government have endeavoured to secure in this Bill, and they believe they have done it. The Government by this Bill give security of tenure. Once we adopt that position we must have fair rent and a tribunal to fix it. It is only one step further than the existing agricultural holdings legislation. The Land Court is the development of the existing system of arbitration. As farming becomes more and more scientific, and more capital and labour are expended by the tenant, it will be necessary to give wider and wider recognition to the fact of co-partnership between the landlord and the tenant. The Board of Agriculture for Scotland is an essential part of the scheme. Such a board in foreign countries has been an integral part of the work of educating, developing, and organising the industry. To do that work efficiently in Scotland the agency must be a local agency. There is nothing whatever in the argument about interference with the existing law as to preventing disease among animals. Whatever the Department, the existing laws must be administered. In connection with the great show of opposition that has been made, I would point out that the cultivated land involved in the Bill is not 15 per cent. of the cultivated area of Scotland. The opposition does not come from the future small holder. It does not come from the great body of farmers in Scotland. Some of the members of the leading agricultural societies oppose the Bill, but it is not to be assumed that the societies are against it. When a Department of Agriculture was established in Ireland, one of the severest critics of the scheme was the Royal Dublin Society. It was a case of vested interest in the present condition of things. Nobody will deny that farming opinion is not free to express itself as it might do. It is not called upon to express itself. I would like to be shown the farmer who, having the means, would reject security of tenure. The opposition to the Bill comes, in essence, from the owners of land, on a mistaken view. The Bill is not brought forward in hostility to their interests; it does not damage their interests; its success rests largely on their co-operation. The opposition is an uninformed opposition, and it is by no means unanimous in spite of the great pressure of class and vested interests that has been brought to bear. There are not 2,000 landowners in Scotland who are concerned in the measure. The scheme has been derided as a scheme of the Scottish Office. Individuals matter very little, though they regret that our poor advocacy should not contribute to urge the measure as much as it might. But it is not the Bill of the Scottish Office, it is the Bill of the Government—it has the support of every Department of the Government. It has the almost unanimous support of the Scottish Liberal Members—and they number fifty-eight out of a total of seventy-two Scottish Members. It has the support of an overwhelming majority in the House of Commons. I say that the case is overwhelming, and if ever a Bill ought to be considered on its merits it is the one which is now commended to the House.

SIR HENRY CRAIK (Glasgow and Aberdeen University) said he was anxious not to give a silent vote, because his attitude towards the Bill was very different from that of many of his friends. The right hon. Gentleman had defended the Bill on the ground that it could not possibly work any injustice to any class of the community. There had been certain complaints that property in land was not very equally shared at present. But was this attempt to adjust the inequalities unattended by injustice? The right hon. Gentleman had told them he had given absolute security to the landowner because provision was made to compensate him. But that was precisely one of the difficulties he found in the Bill. In one of the clauses there was a provision for the compensation of any class, of whatever position, who was in any way injured by proceedings under the Bill. Compensation was to be made by the Agricultural Commission, at the expense of the taxpayer. That was precisely one of the objections to the Bill. He was anxious not to give a silent vote, because his attitude towards the Bill was somewhat different from that of other Members more closely connected with agriculture. He was not there standing for any party or landlord. He thought that injustice was being done, and he was convinced that the landlord had a certain case under the Bill, but he would find defenders more able than he. For himself he looked on the Bill in its social and economic aspect, and what he desired was that it should be founded on sound economic principles of justice, that it should raise no false hopes calculated to lead to disaster in the future, and that it should not be based on mere idle fancies and chimeras. He was reminded of two lines of the poet Pope—

> "That not in Fancy's maze he wandered long,
> But stooped to Truth and moralis'd his song."

The Government used their majority in the converse way from which the poet claimed to use his genius. They wandered into a maze of fanciful hypotheses and a crowd of chimeras, and declined to be humble enough to stoop to the solid foundations of economical truth or to moralise their Bills by a thread of principle and justice. They had not made a paradise or El Dorado in the Western Highlands, yet they were going to apply to the whole of Scotland a system intended only for special circumstances, and which had been applied to a small number of holdings under peculiar conditions. They granted to the people who were under those special conditions a charity, a generosity which no economical considerations could defend. They were now going to extend that system to a far wider area, and apply it not to men who were attached to the spot where they were born, and would rather stay there and make their livelihood, as did the Crofters of the Western Highlands, but to men who were among the most astute of the community commercially, and the most active and energetic cultivators of the soil that could be found anywhere in Great Britain. Did they think that they could set aside economical principles merely by passing a law or by holding vague sentiments? It was said that all were more or less Socialists, but the elements of Socialism were not in their opinions or their views, nor even in Acts of Parliament; they were immutable and fixed, and would work by immutable laws their own ends, and if we erred against them in practice, sentiment, or legislation, they would bring their own punishment as certainly as night followed day. But the Government were not only erring against the laws of political economy in this Bill, they were doing a wrong, he did not say to the landlord, he did not even say to the taxpayer, but to that part of the population of Scotland who had traditions of self-reliance and independence. If there was one thing which characterised a Scotsman and had made him a useful citizen of the Empire it was that he was independent, that he worked against difficulty, and forced the world to recognise his merits by hard work, earnest endeavour, and perseverance. What ideal were they going to set up for his countrymen? Their ideal was to entice a man with hopes of a future which would not be realised. Their ideal was to bolster him up with a load of debt which was about the worst equipment with which a man could begin the work of his life. They were fixing him in a holding which the Secretary for Scotland himself said was not an economic holding and never could be profitable on ordinary economic principles. Was that the end and aim they were holding out to him? Could they think that this would be a great benefit to the people of Scotland? The greatest disaster caused by the Bill would be the introduction of a new, dangerous, and alien principle into the life of Scotland—a principle which would teach Scotsmen that they were not to depend on themselves, that they were not to start from small beginnings and advance to higher things, but that they were to be put into an artificial position with the aid of a loan from the State which would hang round them as a burden, that they were to be in the leading strings of the State, bolstered up and guided at every moment by their Land Courts and Agricultural Commissioners. That was to be the scope of their life, instead of their working with that liberty, enterprise, and energy which had distinguished their fathers and grandfathers—qualities of race which had made Scotland what she was.

MR. J. D. WHITE (Dumbartonshire) said he must admit that he was a little surprised to hear the phillipics of the hon. Gentleman opposite against this Bill which had for its object, simply and precisely, to give the small holder an abiding interest in the piece of land which he cultivated. It was very singular that a gentleman like the hon. Member opposite, who was well acquainted with the history of Scotland, should say that the giving of this abiding interest in the holding was alien to the law of Scotland.

SIR HENRY CRAIK: Traditions.

MR. J. D. WHITE said it was manifest that both the history and the traditions of Scotland were closely bound up with the feuing system, which was on the basis that the superior received the feuing duty. There were certain conditions under which the feuar could resume, and subject to his performing those duties the feuar had an abiding interest in the land which he cultivated, and could not be interfered on any basis whatever. That had existed in Scotland for a very long time. It had existed from the time when Scotland adopted the Roman law, and it was in harmony also with the system adopted under the Crofters Act of 1886, which had worked well. He had heard with surprise the hon. Gentleman condemn the Crofters Act, but he would ask whether Scotland would be better off to-day if there had been no Crofters Act. They did not say that the Crofters Act had made the parts which it affected a paradise, but they did say that the districts where it operated would have been a great deal worse off had there been no such enactment. They believed in extending the principle of the Act. It had been said that these Acts were suitable to certain districts, and he would like to ask the hon. Gentleman, assuming that these Acts were suitable to Argyll, why they were not equally suitable for the Islands of Bute in which there was a number of crofters?

SIR HENRY CRAIK: I expressly moved an Amendment in Committee to extend these Acts to any district which might be called a crofters' district.

MR. J. D. WHITE said he might take Banffshire and Morayshire: was the hon. Gentleman prepared to accept them too? He failed to see why the system should not be applied to any part of Scotland if it was desirable, and the small holders wanted it.

MR. YOUNGER (Ayr Burghs) said the whole policy in Committee was to apply these Acts wherever the tenant had made his own improvements.

MR. J. D. WHITE said the hon. Gentleman meant that if the tenant had made the slightest improvement?

MR. YOUNGER: Substantially his own improvements as the crofters do, not the slightest; that would be perfectly absurd.

MR. J. D. WHITE asked why, assuming this principle to be true, should it not be applied everywhere that it was wanted? They had been told again and again on the other side that there was no demand for these holdings. If no applications were made for holdings then the Bill would become a dead letter, and there was no reason to take it so seriously as hon. Gentlemen opposite did. The fact was that there would be a very great demand for small holdings in all parts of Scotland, and he believed that the Act in that way would be most beneficial. He was very much surprised to hear the hon. Gentleman speak of their creating an artificial demand and enticing people to take small holdings. There was no enticement. The Bill would merely afford facilities to those who wanted to avail themselves of them. The hon. Gentleman had spoken of the burden of debt hung round the neck of the people. By this Bill they expressly wanted to avoid the burden of debt. There would have been a burden of debt round their neck had they adopted a system of purchase which would have loaded them down year after year. They had expressly avoided that. Instead of inviting them to purchase the land and pay a long series of instalments, they had adopted the simple principle of securing to them the land at a fair rent. They gave security of tenure. As for chimeras, an admirable specimen was afforded by the criticism levelled against the Bill on the ground that they were going to cut up the large farms which were worked well. Nothing could be further from the ideas of the promoters of the Bill. The whole series of criticisms which came from the other side were based on that idea. There was no desire to see those large farms which had been worked well cut up; they wanted to see them continue to be worked well; but they knew that a great deal of land was not worked at all. In the county which he represented, and in other counties of Scotland, there was a great deal of land out of cultivation, and it was in those very districts that the people wanted to make some use of the land if they could get it at a fair price and on a satisfactory tenure. They wanted to open up these lands to the people. A great deal had been said in Committee about the deer forests which it was claimed, in certain parts, were of real economic value. He quite agreed that there were places suitable for deer forests; but the complaint was that the deer forests had been steadily going down hill, and it seemed to him that their first duty was to see that the highest use was made of the land for the benefit of the community, whether in the way of housing or of agriculture. If the land was unsuitable for farming let it be used for grazing; if it was unsuitable for grazing, let it be used for game; but he wanted to subordinate game to grazing, and grazing to farming and the direct uses of man. From the public point of view they had to see how many people could win their living from the land in independent conditions, and also to consider how the land was worked. To have an American millionaire adding mountain to mountain and moor to moor until there were left only the deer and the people who looked after them was bad for a country; but he ventured to say that if the Bill became law there would never again be these Highland clearances to make way for deer; and if in the past there had been compensation to pay for the little houses and the bits of land in cultivation those clearances would not have been made. The Bill was objected to because they proposed to allow the small holder to do other things besides cultivate his holding. Why should he not be allowed to do anything else? In Committee it had been said that those who earned their living in towns or in other ways would get small holdings and cultivate them to some extent, and thus the Government would benefit a class they did not mean to benefit. He failed to see why even the town dweller should not, if he liked, cultivate a piece of unused land, and why he should not to be facilitated in doing so. He failed to see why his fellow-countrymen should not use their energies in the best possible way. If in addition to cultivating the land they liked to do anything else he would certainly say by all means let them do it. Then all the talk about the landlord becoming a mere rent charger seemed to him quite beside the mark. They had been told that not only would he become a mere rent charger, but that he would become a detective, and would go about to see if the small holder was spoiling his holding or allowing it to run to waste. He would like to ask whether the landlords of the crofters were mere rent chargers and detectives? They were nothing of the kind. He was glad to say that in a vast number of cases the personal relations between the superiors and the feuars, and also between the landlords and the crofters, were most satisfactory; and he believed that, under this Bill, those relations would be continued between the landowners and the small holders, who would have an abiding interest in and a legal right to the land they cultivated. It was all very well to talk about traditional usage and all the rest of it, but they wanted a sound business basis for the small holdings, and he believed that basis was provided by the Bill. There might be difficulty in getting people from the cities back to the land, but whatever they could do in that way would go a long way in the direction of solving the labour problem. There would always be a great amount of pressure in the labour market as long as there were more men than jobs. If there were ten men after nine jobs one of them would be out of employment, but the whole ten of them would be in a state of anxiety as to which of them was going to be that one. If they gave an increased amount of employment the effect would be to reduce that anxiety. Therefore it was most important that they should have this Bill put into operation as soon as possible, because the state of things in Scotland was very parlous. The right hon. Gentleman had stated that although the ratio of population per mile in Scotland was very small, yet the Scottish cities were more overcrowded than the cities in England. Emigration from Scotland was six times as great now as it was six years ago, and it had been increasing by leaps and bounds in recent years. They desired to secure for the Scottish people the greatest opportunities they could in their native land. They desired to give them every possible opportunity of settling on the soil and to develop their native land, in order that they might improve upon the traditions of the past.

*MR. YOUNGER said he did not propose to make a lengthy speech, but he wished to say a word or two to justify the vote he was about to give. He had both Highlanders and Lowlanders in his constituency, but the bulk of them were Lowlanders. A certain number of his Highland constituents took a great interest in this Bill, and many of them desired to see it pass into law. They had in those districts crofting conditions, but the line he had taken in Committee had been to show a perfect willingness to apply its principles anywhere where the crofting conditions existed. Where the tenant had made the improvements he thought he ought to have security of tenure and all the advantages of the Bill. This measure applied those principles under circumstances of a totally different character from those existing in the Lowlands of Scotland. He doubted very much whether it applied those principles in a way which would prove to be ultimately successful. He would be the last to deny that the Secretary for Scotland believed his Bill to be just, because no one could have listened to his speeches without feeling that he had the most complete confidence in the measure, and had done what he could to protect the interests of all concerned. Nevertheless, the Bill appeared to him to be getting rid of that most important element of responsibility of ownership which was one of the most important conditions that ought to remain in our agricultural system. The Secretary for Scotland had spoken about the success of many of the small holdings which would come within the scope of the Bill, and had argued that that might be taken as a guarantee that small holdings under the Bill would be successful. Scottish landlords had spent the bulk of their income maintaining their holdings, and but for that fact many of their farms would have been derelict at this moment or would have been added to the larger holdings. He did not think the claim of the right hon. Gentleman could be accepted as any proof that the conditions of the Bill would make the plan successful. The mere fact that the Bill brought within its scope the whole of those holdings to which the right hon. Gentleman had referred would certainly induce the landlord to cease that expenditure which had hitherto been the means of maintaining them. When they came to deal with small holdings in the Lowlands they were not really dealing with the land but with capital. As they had seen during the debates upstairs, there was practically no value left at all, and therefore they had to recognise that they were dealing with the owners' capital not in land but in equipment. While he would be most willing to vote for an extension of the Crofters Acts to the other districts he had mentioned, and while he thought that those Acts should be extended in many other ways, he did not feel that he could vote for a Bill which in his opinion applied a method which while perfectly satisfactory for one portion of the Kingdom, would be totally unsatisfactory for the other. After carefully considering the balance of advantage he had decided to vote against the Bill.

MR. CATHCART WASON (Orkney and Shetland) said a friend from Russia recently told him how keenly the demand for land reform here was watched in Russia. He expressed the opinion that practical land reform was now outside the region of party politics, and the speech of his hon. friend who had just sat down very much bore out that view. Land reformers would not have much difficulty if they had only Tories like him to deal with, but there were others who, while loudly proclaiming their desire for reform, loudly protested, like the man who was being flogged, against any particular application. Almost every Member of the House had declared his intention of voting for land reform. Upon this measure the hon. Member for North Ayrshire had delivered a violent eulogy upon the landlords of Scotland.

MR. COCHRANE said he failed to observe in his remarks any expression which could be described as violent. All he had endeavoured to do was to secure justice and repudiate an unsubstantiated charge against the landlords that they were in the habit of arbitrarily evicting their tenants.

MR. CATHCART WASON said he hoped his phrase " violent eulogy " had not given offence to the hon. Member. Hon. Members could not judge of

Scottish landlords by such gentlemen as himself, and others sitting near him. They represented the best possible type, otherwise they would not be there, but there were many others whose conduct was deserving the most severe reprobation, whose policy had been to depopulate the country for their own greed or glorification. There were those whose policy had been to build great mansions and castles, and to create great farms, driving the small holders out of existence. The hon. Member for Dumbartonshire had expressed the hope that this Bill would not interfere with great farms. He did not think it would be worth anything if it failed to interfere with large farms, which were the greatest trouble they had to deal with in many places.

MR. J. D. WHITE said he referred to agricultural farms which were properly worked.

MR. CATHCART WASON: Supposing the whole of Scotland was turned into an agricultural farm properly worked? He was told that would be a desirable state of things, but what they wanted to do was to get as many people as possible upon the soil of the country and get them fixed there. Coming further north numberless cases were to be met with where the policy had been one of eviction in order to make room for deer forests, and the small sheep farmers were evicted for such senseless purpose. Further north again they had great mansions and castles. There they had not deer forests but endless cases where the people had been driven off the land to make way for sheep and cattle farmers. He congratulated the Secretary for Scotland on the patience and determination and continued caution which had distinguished his conduct of this Bill. He hoped the right hon. Gentleman would recognise that some of them who had not always seen eye to eye with him and had looked at the matter from a practical point of view had only been actuated by a sincere desire to promote the very best possible method of carrying out land reform. They had felt the grievance in the crofting districts in regard to this point. They had felt that they had been saddled with the burden of the south, and had it not been for that they would have had a better Bill, which would have been more easily carried through. There were certain other matters which they had advocated and which had been promised attention which had not been dealt with. The Lord Advocate the previous day had made an eloquent appeal to the House against preventing people doing any other small business on the land except that of agriculture. Why his advocacy had not included those most in need was difficult to understand. He could not understand the great objection made by the Leader of the Opposition against the system of hiring. In this Bill the landholder was in the position of a tenant and would remain a tenant as long as he paid his rent, and he could not be evicted. He felt sure there was a general concensus of opinion not only in the House but outside it that a big system of land purchase in Scotland would be a bad thing and would be expensive for the country at large. He thought the method which had been adopted by the Government was far more sound. Hon. Gentlemen opposite who had denounced the hiring principle seemed to have forgotten that in the great Act of the last Government, namely, the Land Act of 1903, a somewhat similar principle was applied. It contained a provision by which certain portions of the purchase money could remain in the hands of the local authority. He was not concerned so much with the question of purchase, because he thought the proposal of the Government was much better. There was another point with regard to sheep farms. Under the Congested Districts Acts thousands of pounds had been spent and the purchases made had proved very disastrous. This practice was to be carried out under the present Bill, which provided that large sums were to be paid for sheep stock. He had urged on the Government that they should consider the case of the kelp workers, and if ample money had been found and could be found for well-to-do landlords and farmers, something should have been spared for the kelp workers and their landlords. The condition of the men he had referred to was most precarious. They had to live very hard and work hard. How it could be said that the seaweed which was one of the natural products of the sea ought to be retained by the landlords as being their own special gift from God he could not imagine. He hoped the Government would not think it was too late even now to remedy this state of things. He desired to thank the Government for having removed some of the disabilities from which his constituents would have suffered under the Bill. They had spent a long time in Committee and in the House over the measure, and he hoped the Secretary for Scotland would not be discouraged by anything which might happen elsewhere. There was a demand for the Bill, and there had for a long time existed a demand for some measure of land reform. He thought this was the last occasion upon which they would have any chance of getting land reform for Scotland for a good many years. [Cries of "No, no."] He thought the time at the disposal of this Parliament was pledged to other matters, and he entreated the Government to accept any reasonable concessions and not lightly reject any compromise which did not seriously interfere with the principles of the Bill which was most earnestly demanded in Scotland. Conservatives of the best type and members of all Parties, Liberal and Labour alike, were keenly desirous of having some large scheme in the direction of land reform carried out. If this measure was rejected now, he was satisfied that it would be a considerable time before they would be in the same advantageous position again. It was all very well for the younger Members of the House to say "We want the Bill and nothing but the Bill," but the older Members wanted to have something done now. If this measure passed now, even in a modified form, the Government would deserve well of their country and generation.

*MR. BARNES (Glasgow, Blackfriars) said he wished to associate himself with what had been said by the hon. Member for Orkney and Shetland regarding the way in which the Secretary for Scotland and the law officers of the Crown had conducted the Bill. They had shown amazing patience and unfailing courtesy, and he congratulated them on the Bill having now reaching the Third Reading stage. On the introduction of the Bill he welcomed it as one giving promise of something being done in connection with the terrible problem of rural depopulation, and on the Second Reading he offered some criticism of the measure, more particularly from the point of view of the need of something being done to remedy urban congestion. He understood the hon. Member who moved the rejection of the Bill to charge him with having spoken at large on a subject of which he knew nothing.

MR. COCHRANE said that what he stated was that the hon. Member was qualified to speak on the subject of urban congestion. He said further that there was nothing in this Bill which would prevent urban congestion.

*MR. BARNES said he had no objection to the hon. Member taking that line, because, as a matter of fact, he did not pose as an authority on agricultural matters. On the two previous occasions when he had taken part in the discussions he had expressly stated that he knew little of agricultural conditions, but that he had an interest in the matter, because, if the Bill arrested the stream of population to the towns, there would be an easing of the urban congestion and the competition for employment. He was going to vote for the Bill, because the more he saw of it and the more he heard of the discussions in Committee and in the House, the more he liked it. It appeared to him at first to be a curious sort of hotch-potch. He had said about the time the English Small Holdings Bill was introduced that he liked it better, because it appeared to give an instalment of what he believed must be the ultimate solution of the problem, namely, land nationalisation. When he looked into the two Bills it seemed to him that whilst theoretically the English Bill was the better one, it depended for its being put into operation on the goodwill of certain local authorities—the county councils—and would be very largely inoperative in consequence. On the other hand, the Scottish Bill, with its hotch-potch conditions setting up various things difficult to understand was, he was inclined to think, much preferable because it would get things done. As a practical man and a Scotsman he wanted to see something done. The commonsense of the Bill seemed to be that it went over the heads of the local authorities and set up a central authority equipped to a certain extent, though not so much as he would like to see, financially, and invested with considerable powers. The Bill seemed to readjust the economic relationship between the landlords and the tenants of Scotland in such a way as might lead to further change in the interest of the tenants primarily, though he thought that in this, as in other matters, the tenants could not be benefited without benefit being conferred on every other class in the community. He hoped the Bill would not lead to peasant proprietorship. He did not believe in that as an ultimate solution of the problem. The hon. Member who seconded the rejection of the Bill spoke of peasant proprietorship in France and other countries, and inferred that it had been a success. He did not believe that peasant proprietorship could be a success anywhere. He was quite convinced that it could not be a success in Scotland. Peasant proprietorship would create unsound social and economic conditions. In amount land was a fixed quantity, and it ought to be in possession of the whole of the people, and this Bill might lead to the community getting possession of that which they ought to have. The new adjustment of the relations of the tenant to the landlord would be made on the basis of fixity of tenure and fair rent, and therefore when land nationalisation was put into operation it would be done on terms fair to the tenants. He had adopted a favourable attitude towards the Bill because he had noted that the people who wanted it were those whom he primarily represented. He had noted the expression of opinion which was given at the meeting held at Perth a few weeks ago; he had taken pains to get into communication with people in Scotland who knew the conditions of rural life; he had received letters from many of his own constituents; and having ascertained unmistakably that the rural population was in favour of the Bill, he looked forward hopefully and eagerly to the passing of the measure. It was said that the Bill was being opposed by the big farmers since it only applied to fifteen per cent. of the rural population. His answer to that objection was that if the good will of the big farmers was required, they ought to be included in the Bill. He was prevented from moving in Committee an Amendment of which he had given notice to delete the £50 limit of yearly rent. He was still of opinion that there were many farmers paying higher rents who ought to be brought within the scope of the measure. The hon. Member for North Ayrshire had quoted figures to show that in the districts of Scotland where small farms obtained wages were lowest. The simple explanation which occurred to him was that in the places cited by the hon. Member where wages were small, the best types of the labouring class had probably saved up enough to become small holders, and had in that way removed themselves from the category of agricultural labourers. He thought that was a feasible explanation; at all events, in the absence of any other he had adopted it. There was no reason why small holdings should lead to a reduction of wages. If they did, he would not vote for their creation. Anything which tended to raise the condition of self-respecting, struggling men would tend towards the increase of wages. It was because he believed the Bill would tend in that direction that he welcomed it, and he hoped it would be treated tenderly in another place.

MR. A. J. BALFOUR: If I rise early in the debate to conclude it, so far as this side of the House is concerned, it is for the convenience of the House, and to meet an arrangement which, I believe, has been come to between the whips of the parties, that we should finish the Bill and the next business before us at an early hour. The hon. Member who has just sat down has given a great many hypothetical explanations of the agricultural phenomena of Scotland, and has expressed the views of himself and his urban constituents upon agricultural questions, not, if he will allow me to say so, upon the basis of fact or experience, but on the basis of certain abstract theories which find very little justification in any facts known to those who have studied this question. The hon. Gentleman has dealt, for example, with the interesting statistics brought forward by my hon. friend behind me in the able speech he made to-day. It appeared conclusively from these statistics that, if you go over the areas in Scotland where different rates of agricultural wages prevail, you will find that, in proportion as the number of small holders increase, in that very proportion do the wages among farm servants, as they are called in Scotland, diminish. The fact, I take it, is undoubted. The hon. Gentleman thinks he has found an explanation. He has suggested that where the low wages prevail all the abler and more efficient members of the class of agricultural labourers have provided themselves with small holdings. I do not think that is the basis of the explanation, but if it be the basis of the explanation it clearly proves that whenever a farm servant or labourer reaches a certain degree of efficiency he can thereupon find a small holding for himself under the existing system of land tenure; and leave the work of the agricultural labourer to be done by the less effective, less efficient and less educated members of the class. If that is the correct explanation it would in itself be an adequate condemnation of the Bill, because it shows that the costly, elaborate, and inconvenient machinery of this measure is not in the least required to carry out the objects which the hon. Gentleman has in view. The hon. Gentleman touched in the beginning of his speech on one point in which naturally he and his constituents are specially interested, and on which he is certainly qualified to express, on behalf of those whom he represents, an opinion in this House. That was the question of overcrowding. The hon. Gentleman, in common with the Secretary for Scotland and other defenders of the Bill, has, in the face of the plainest statistics, laid down as indubitable the propositions that this Bill, or any Bill which increases the number of small holdings, will thereby diminish the migration of the agricultural population to the towns. That argument, as I have previously shown, is opposed to all the facts either in this country, in Ireland, or on the Continent of Europe. We have now a large experience over the world of rural conditions, alike on large and small farms and small holdings. I do not care which of these kinds of land tenure you examine; in all of them it will be found that there is under modern conditions a diminution of the rural population and a proportionate temporary augmentation of the urban population, and you will find further that the migration from the country is not less, but is greater, so far as Irish experience goes, from districts in which small holdings prevail than in those in which culture in large farms is the ruling system. The average diminution of the rural population in all Scotland is about 4½ per cent., and the diminution of population in the crofter districts is greater, or certainly as great. In North Antrim, which has exactly the system which the Secretary for Scotland wishes to extend to all Scotland, I find that the decrease has been at the rate of over 10 per cent. in the whole agricultural population. That is, at all events, a *prima facie* case for coming to the conclusion that, whether the new land system is better than the old or not, it will not cure the particular evil which hon. Gentlemen opposite desire to see cured. It will not diminish the migration from the country into the towns, it will not diminish the competition between the country-born workman and the town-born workman. Let us examine the actual working of the crofting system in the relatively restricted area where it now obtains. This Bill is primarily and fundamentally a method of extending the crofting system to all Scotland. The Secretary of Scotland has been usually content to say in the House and in the Committee upstairs that so excellent is the crofting system that you want no further argument for extending it, not over the whole island, but at all events over the whole of the rest of Scotland. It is not wise to discuss the Crofters Act of 1886. It is past, and done with. We have got to make the best of it, and we have got to reform it where we can in those particulars in which it is defective; but I absolutely deny that the Secretary for Scotland has the smallest justification for the extraordinarily brilliant colours in which he has chosen to paint the success of the Crofters Act. I incidentally discussed this matter on the Report stage, and was interrupted by the Lord Advocate when I said, without the least wish to go into details of what had come out in Committee upstairs, that I understood that in parts of the Western Islands law and order did not prevail to the extent which the right hon. and learned Gentleman described. I mentioned in particular the Island of Barra. The right hon. and learned Gentleman followed me and expressed the deepest indignation at this attack upon him. I was not thinking of him. He supposed that I was making a charge against his administration of the law. He, I have no doubt, does his best; but what I said was that if the Crofters Act found the Island of Barra in a state of disorder after twenty years experience of the working of the Act it could not have been the success it was alleged to be, and that peace and order in the Highlands and Islands did not now universally prevail. Parenthetically, I I may remark that the original disorder in the Highlands and Islands was an echo of the profound social disturbance which had gone on in Ireland where a similar tenure of land prevailed. I have not the least doubt that without the Crofters Act peace would have been more or less fully restored. It has not been fully restored under the Crofters Act, but the contrary, and the right hon. and learned Gentleman has given a totally erroneous and misleading account of what is going on in Barra at this moment. There the landlord is notoriously generous, he has given every atom of land in the island to the crofters, and land has been sold to the Congested Districts Board for the extension of holdings in a neighbouring island. A number of crofters in Barra have chosen to go over to the neighbouring island, and, against the law, justice, and the commonest rights of individuals, have seized land which is let to another tenant, erected buildings thereon, and seized grazing, and the tenant, of course, is quite unable to pay the rent he has contracted to pay to the landlord because his farm is occupied by others. The law is openly flouted and outraged without the smallest legal or moral justification on the part of those who are defying the Lord Advocate in his administration of justice. The Lord Advocate will, I think, have still further to qualify his statement. I say that the condition of that part of the Hebrides is a scandal to law and order. I am far from attributing, either in whole or in part, that the deplorable condition of things now prevailing is due to the existence of the Crofters Act, but I do try to make my statements conform to facts. It is beyond folly to suppose that where peace prevails in the Highlands that is due to the Crofters Act. But I am ready to admit that the deplorable condition of things now existing may be due to other causes.

Sir J. DEWAR (Inverness) said it was due to defects in the Act of 1886. He knew the facts of the case, Barra being in his own constituency. There was in 1900, as now, some lawlessness. It was due to the fact that the legislation of 1886 did not confer power to create new holdings. The Secretary for Scotland in 1900 bought some land, and that removed the dissatisfaction and gave comparative peace. There was no provision under the present Act to provide holdings for an admittedly congested district, and that was the reason for the apparent lawlessness.

Mr. A. J. BALFOUR: I do not know what the hon. Member means by apparent lawlessness. I maintain that the argument of experience breaks down so far as law and order in that portion of the Hebrides is concerned. When it is pointed out to the Secretary for Scotland that he is deprived of the argument from experience, he is driven back to the argument of what might have been if a different Bill had been passed. If you are going to rest on experience it must be experience like all other experience of what has occurred, not what might have occurred if a wholly different Act had become law. Again, I maintain that the argument from experience breaks down, at any rate so far as that part of the Hebrides is concerned. I go further. The Secretary for Scotland objected to land purchase because it would not prevent sub-division and squatting which is now so pressing an evil in certain areas of the country. Has the Crofters Act stopped that?

Mr. SINCLAIR: It has checked it as a matter of fact.

Mr. A. J. BALFOUR: I say it has not checked it, but it is going on more uncontrolled when you have destroyed all influence on the part of the owner of the land than it did before. And it will increase when the landlord's interest is transferred to a Government Department. It is a great social evil in certain parts of the Western Isles, and I have looked upon it as one of the most serious and difficult which this House has to face. The Crofters Act, then, has not stopped disorder and it has not stopped sub-division; has it secured those clear, and clean, and satisfactory relations between landlord and tenant which was promised? Everybody knows there are accumulations of judicial rent unpaid in certain parts of the Highlands. [Ministerial cries of "No."] Is that denied?

Mr. SINCLAIR: If the tenant remains, he remains on the responsibility of the landlord.

MR. A. J. BALFOUR: I am rather surprised. I understood that what was proposed to be extended to all Scotland was that, while the landlord was to be excluded from all administrative control over his land, at all events, that the relations between him and the tenant would be fixed on the basis of fair rent, and that that rent would be paid. Is it being paid?

MR. AINSWORTH (Argyllshire) said the point of the Act was that the tenant enjoyed fixity of tenure so long as he paid his rent and had not deteriorated the holding.

MR. A. J. BALFOUR: I thank the hon. Gentleman for his information, but with all respect I can assure him that he has not answered my point. Turning to a third matter in connection with the vaunted working of the Crofters Act in the crofting districts I would point out, in the first place, that a large number of the crofters have not taken advantage of the Act. They have preferred to remain in their old relation with their landlord.

MR. SINCLAIR: Hear, hear!

MR. A. J. BALFOUR: That observation receives the enthusiastic support of a Minister who is going compulsorily to extend the Act from the Highlands to the whole of the rest of Scotland. Yet in the area in which it prevails a large fraction of the tenants who might take advantage of the Act have refused to do so. I go further and say that a large number of tenants who have taken advantage of the Act of 1886 have now deliberately freed themselves from its fetters. I should have thought that with these facts staring them in the face the tenants ought to be allowed to extricate themselves from the meshes of the Act if they desire to do so. But this Government of liberty, this Government of free trade, are quite prepared, are quite determined that one kind of contract and one kind of arrangement only shall prevail between the landowner and the small tenant. The right hon. Gentleman in his speech this morning told us that it was in the power of the tenant to remain in the old relations with his landlord, and not appeal for a new rent, but it is apparently not in his power to go back to his old position with regard to the landlord—the old position of free contract. If the Bill becomes law, he and his successors are bound for ever to a particular system of tenure which relieves the landlord of all duties with regard to permanent improvements, and gives the tenant in exchange, whether he likes it or not, fixity of tenure. That is what a large number of small holders in Scotland do not desire. And if I am asked on what basis I make that statement, I say that I base it, in the first place, on the experiment of the Crofters Act. A large number of crofters have deliberately freed themselves from that Act. In the second place, a large number of the existing small tenants, who are afraid this Act may pass, have actually requested their landlords to raise their rents above the £50 limit. I remember that the Secretary for Scotland challenged his opponents to show him a tenant who would prefer not to have fixity of tenure. There are countless tenants who would much rather have the advantages of the existing system of co-partnership with the landlord than the system the Government desire to thrust upon them. I should have thought that it was an elementary principle of legislation that when there is doubt whether a bargain is approved by the parties concerned, they should be allowed some liberty of choice in the matter. They have not got it.

MR. SINCLAIR was understood to dissent.

MR. A. J. BALFOUR: The right hon. Gentleman dissents. He has apparently forgotten his Bill. It has been so little discussed. I should be glad to have from the right hon. Gentleman some elucidation of the position under the Bill of a tenant whose holding is under £50 valuation or fifty acres in extent.

MR. SINCLAIR: He is at liberty to make any agreement he chooses with his landlord. He cannot be deprived of that right.

MR. A. J. BALFOUR: The right hon. Gentleman is guilty of a contradiction in terms. He says the tenant has a right to make any terms he likes with his landlord, but he cannot be turned out.

MR. SINCLAIR: The right hon. Gentleman is confusing the rights given under the Bill with the right of an individual to make a bargain with another individual. What I say is that the qualified tenants are given rights under the Bill of which they cannot be deprived, and at the same time they are perfectly free to make any agreement they like with their landlord.

MR. A. J. BALFOUR: They cannot make a bargain which deprives them of a right of which they cannot be deprived.

MR. SINCLAIR: That is the intention of the Bill. The intention of the Bill is to give them a right of which they cannot be deprived except by their own consent.

MR. A. J. BALFOUR: Then I can quite believe that there may be some misapprehension, which I should like the Prime Minister to clear up if he speaks subsequently. I would put this plain question to him. Would it be in the power of any tenant under £50 to say to his landlord, "I do not like the Government Bill, I prefer the old arrangement. I do not care for fixity of tenure, and I do not want it, and I ask you to go on making the permanent improvements."

MR. SINCLAIR: My answer is emphatically, yes. But whatever the tenant does he remains endowed with the rights of the Bill, which he can exercise at the termination of any such agreement.

MR. A. J. BALFOUR: Then, may I ask in what sense have the provisions of the Crofters Act been extended?

MR. SINCLAIR: Exactly the same thing can be done under the Crofters Act, Section 5. The question is whether under this Bill the small tenant can be endowed with rights of which he cannot be deprived without his own consent.

MR. A. J. BALFOUR: I am quite unable to see how the Crofters Act has in this respect been amended if the right hon. Gentleman's present version of his Bill is to be accepted. I am quite sure that that is not the view of it taken in Committee or by any student of the Bill except the right hon. Gentleman. I am quite convinced that the right hon. Gentleman has for the moment forgotten the effect of the provisions of his own measure. So much for supporting the basis of the Bill on the perfect success of the Crofters Act in the Highlands. I now come to the question of how we are going to deal with the agricultural labourers in the Lowlands, and their relation to small holders. We are at one that if small holdings can be increased to advantage they should be. But I confess that I do not agree with those who think that there will be an immense extension of small holdings in the Lowlands as likely to prove profitable to the small holders. What does the right hon. Gentleman tell us? I do not myself think any immense extension of small holdings in Scotland is very likely to prove popular. The right hon. Gentleman, arguing in favour of the immense wealth that would accrue to the labourer and the landlord from small holdings, read a long extract on fruit cultivation in Blairgowrie. I have no doubt that fruit culture has proved a great success in that district. But whatever success has been attained in that particular instance, surely nobody can seriously believe that fruit cultivation or vegetable cultivation can be profitably carried on except on a relatively small fraction of the cultivable soil of Scotland. What, therefore, is the use of references to the Vale of Evesham? If there is to be a large extension of small holdings in Scotland, they must, in the main, be small holdings occupied with the same kind of agriculture as the large holdings. I am sorry it is so, but I am afraid it is so. On the argument of the Government themselves, how are these holdings going to be a success? The Secretary for Scotland has admitted that they are more expensive and that a loss is certain to occur. Then the Member for Aberdeen has stated that the farm servants of Aberdeen do not anticipate that their material circumstances will be improved by the substitution of small holdings for their present occupations. What the hon. Member did hope for was an improvement in their social *status*. I do not wish to say anything derogatory to improvements of social *status*, though I do not know that personally I feel much interest in these social distinctions. I can understand an appeal to do something to raise the material condition of a part of the people, but an appeal to do something merely to raise what is called social *status* leaves me rather cold.

MR. MURRAY (Aberdeenshire, E.) said that what he meant was that every man should have a home of his own and should be independent of anybody. That was the national spirit of Scotland and had made that country.

MR. A. J. BALFOUR: Yes; it has made our country under a system of big holdings, at all events in a large part of Scotland. I appeal to the hon. Member himself to say, apart from electioneering, whether there is in the world any more independent race than the farm servants of Scotland. The Scottish farm servant is the most self-sufficing and independent of human beings. He certainly has not suffered from the tyranny of either laird or farmer. He moves about at his own free will from employer to employer, and he is dependent on no man. He will not be made a more independent man than he is now if his social *status* was raised by making him an occupier. I cannot believe that everything is going to be changed by the substitution of small holdings for big holdings; but I do desire that they shall be extended as far as they practically can. The Secretary for Scotland says this is not my Bill; it is a Government Bill. So it is, and no one can know anything of its genesis or to whose ingenuity the House owes it. It is by adoption and grace, at all events, a Cabinet measure; and the Cabinet are in the position of dealing with the whole of the land system of Great Britain, with the crofter system in the north, and with a different system of tenure south of the Tweed. What in the circumstances of difference that prevail between the north and the south would any rational body of men do? Do the Lowland conditions resemble those in England or the conditions in the Highlands? If the Government put that question to themselves they can only give the one answer, that there is no difference between the south of Scotland and England, but that there is a fundamental difference between the south and the north of Scotland. The most minute particulars of agricultural employment and practice in Northumberland and Berwickshire show that the systems are identical; and if we compare the lowlands of Aberdeen, Fife, the Lothians, and Ayrshire with the Highlands we find that obviously by tradition, in part by language, by history, by legislation and by every circumstance according to which we could draw a distinction, there is the widest difference between the two sets of conditions with which we have to deal. Yet this Government are determined upon promoting two kinds of legislation for the island and to insist that the Lowlands and the Highlands shall be bracketed together and treated in the same way, refusing to assimilate the Lowlands legislatively with the English counties with which they precisely agree. I do not believe that there ever has been so foolish a scheme. Granted that the Crofters Acts have every merit they can possess, no one pretends that crofter conditions prevail in the south of Scotland, and, therefore, we should not extend the provisions of the Bill to a part of the country which does not carry on its agriculture under the crofter system. That is a manifest and common-sense policy. The right hon. Gentleman says that the Bill will be of great pecuniary value to the landlord. That may be true, but even if the streams of Pactolus were to be poured into the pockets of the landlords, I think it would be bad in principle. I agree with those who think that what has to be considered are the prosperity and well-being of the community as a whole. But even in that case the landlord should receive justice. Whatever the pecuniary gain to the landlord may be, however is it right to take his capital and use it for a purpose that he has not intended? We have to deal with agriculture in a depressed condition, not through the system of land tenure, but through the system of foreign competition. Is it not the part of wise men in these circumstances to say that every force that can be used to bring capital, knowledge, skill, and labour to the land shall be used? My complaint against the Bill is that the Government deliberately refuse to bring together these great purposes and the forces at their disposal. I believe that the Bill will injure everybody, including the taxpayers, because the Government have deliberately deprived agriculture of some of its great motive force in the shape of permanent expenditure by the landlords. What is to be the substitute? It is to be either such capital that the small tenants have accumulated before they take their holdings or the money that is to be supplied by the taxpayers. The Government plan is that the unearned increment is to go to the big landlord; but if the land is bought the small owner will get the unearned increment. But all the talk about unearned increment is based on a most foolish estimate of the tendencies of modern industry. In any case no one doubts the proof of experience that we get an amount of work out of people who own the land not to be got out of people who merely occupy the land. Fixity of tenure is no equivalent for ownership, and the Government have deliberately, avowedly, openly, and boastingly deprived themselves of what would have been the substitute of that great liberality in the shape of capital expenditure which they now extract from the large owners of land in Scotland, throwing the burden on the innocent taxpapers which the landlord now bears. It is bad from every point of view, and bad unquestionably for the present farm servants. The Secretary for Scotland quotes the case of the exceptional fruit farms which now prosper at Blairgowrie; but the Government must take the ordinary farm of Fife or Berwickshire. I say that similar success is impossible if these farms are cut up into fifty-acre lots, and if they are to employ as many heads of families as they do now. If we maintain the present system of cultivation the work must be carried on with more labour and at less profit, or it must return no profit at all, the loss falling on the public, or else there must be less efficient cultivation owing to less labour; and the position of the ordinary farm servant will fall to the level of wages now prevailing over those parts of Scotland where small holdings exist. These reasons make me think that the whole scheme, as far as it affects owners in Scotland, is based on hopelessly wrong lines. How can the Government with a light heart go in for this revolution ["Oh, oh!"]—for this enormous change based on no experience either at home or abroad, but evolved entirely from the fertile imagination of some member of the Cabinet or of the Cabinet as a whole? I trust that even now, not indeed in this House—for the hours during which the House has been allowed to consider the measure are numbered—the Government will see that the only possible method of dealing with these difficult agricultural questions of balancing diverse interests and considering in equal scales the welfare of every class of the community, is by means of a well-considered measure for every part of the country where the agricultural circumstances are identical. For these reasons I shall most heartily support the hon. Gentleman who has moved the rejection of the Bill.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): The right hon. Gentleman has made a great many speeches on this Bill, and I recognise in that which he has just delivered one change from some of those that came before—the right hon. Gentleman has not been so profuse in his epithets. His vaticinations of future disaster might have left us in a state of trepidation, but happily the speech of the right hon. Gentleman recalls a circumstance that otherwise might have been forgotten—that when the Crofters Act was before the House the right hon. Gentleman delivered exactly the same sort of speeches with the same arguments and the same prognostications of future disaster. The result of that Act has been, in the opinion of most people, that a part of Scotland which was in an absolutely disorderly condition now presents prosperity and contentment and everything that makes for the well-being of the people, whether they own the land or till it. But the right hon. Gentleman says that the condition of a part of the crofting area at present constitutes a scandal. He has discovered some improper or irregular proceeding on the part of certain men in the island of Barra, and on that fact he bases the charge that no improvement has been made by the Crofters Act. [Cries of "No!"] The right hon. Gentleman quoted that one instance as an answer to the assertion that law and order prevails. But what did the right hon. Gentleman say in 1886?

> "I doubt whether in any part of Ireland at this moment you will meet with more lawlessness, although you may meet with more violence, than now prevails on the west coast of Scotland."

Well, we have got rid of all that, except in the one case of Barra. Then the right hon. Gentleman says that there is another thing in the Crofters Act which deserves to be noted—that a great many of the men who held under it have applied to be relieved of the intolerable position in which they found themselves placed, so that they might revert to the old patriarchal arrangement. I have made some inquiry, and I find that the instances of application for renunciation are so few as to be inappreciable. They are either the cases of very old men who wish to be rid of their responsibility, or the cases of men who, unfortunately for this country, but greatly to the benefit of the Colonies, are possessed of a desire to emigrate. The right hon. Gentleman always had the deepest distaste for the Crofters Act and he retains that opinion. He asked why the principles of that Act should be applied to the rest of Scotland, and why Scotland should not be given the inestimable advantage of the same principles as are to be applied to England. The right hon. Gentleman wishes to annex all Scotland, south of the Grampians, to England. That would be very agreeable from the English point of view and from the point of view of a man who naturally looks at things with English eyes. [Cries of "Why?"] But it would not be acceptable from the Scottish point of view. The main reason why we have introduced this Bill, and it has been framed as it has been framed, is that it represents what the Scottish people wish to have. They do not wish to purchase the soil, but they do wish to have the continuity and security of tenure that this Bill gives. A great deal may be said of the advantages of ownership, and the right hon. Gentleman urged that everything should be done to promote the development of agriculture and the application to the cultivation of the soil of the best resources of modern science and of human energy and ingenuity. The right hon. Gentleman's way of doing that would be to have a country covered with large farms, with benevolent landlords and flourishing tenants. But we think there is something better than the benevolence of the most benevolent landlord, and that is the interest of the cultivator in his farm as to which he has security of tenure, so that he knows that the benefits of the capital and labour that he put into it will go to himself. That is the real impulse in the good cultivation of the soil. The right hon. Gentleman says there are advantages in having a class who has a personal satisfaction in the ownership of a great extent of land, in sport, and in the other privileges to be enjoyed.

Mr. A. J. BALFOUR: That was not my argument. I said that you got great advantages from a system of large ownership in the supply of capital, but that you may make up for that in a small proprietorship by introducing another system.

Sir H. CAMPBELL-BANNERMAN: That is our argument. Our view is that the operative motive is the sense of security. That is the whole point of difference between the two sides of the House. The right hon. Gentleman taunts us with having one Bill for England and another for Scotland. But the wishes and ideas of the people were different. The right hon. Gentleman says that he could not be sure where the genesis of the Bill is to be found, whether it is in the Scottish Office or some other department or the whole of the Government. It is in the whole of the Government, and the whole of the Government are responsible for it. But if the right hon. Gentleman has some doubt as to the genesis of the Bill, he would be able to state as well as most people what the exodus of the Bill will be. Some indication of that has already been given; and if that exodus is not of a favourable character, I can promise the right hon. Gentleman that there will be a deuteronomy. As to the principle of compulsion, which is supposed to be so injurious, why should it be wrong to apply the principle to hiring and permissible to apply it to sale? I do not see where the difference comes in, I have never been able to comprehend how it can be held that, when voluntary arrangement has broken down and compulsion is resorted to to meet a public need, the use of the land is to be absolutely denied to the community under the method of hiring and only to be granted under the method of sale. Seeing that hiring has worked so well in the case of the crofters, to the satisfaction of both owner and occupier, and that it has commended itself to Scottish opinion, the Government have done their best to adopt it in a way which will prevent any injustice to the landowner owing to the depreciation of his property or to the liability of having a bad tenant. A great deal has been said about the hardship to the landlord and the large farmer. But no existing contracts are to be interfered with in any way. The farmers especially have no reason for feeling nervous, because it is quite obvious that large well-equipped and highly-cultivated farms will not be touched. They will be the last to be selected. [Cries of "Why?"] Because it would obviously be undesirable. At the other end of the scale, no farmer with less than 150 acres can be touched. There will be a gradual application, and ultimately we shall know how far it can be extended, but at first, and for many years, there can be no grievance, no interference with any farmer interested. What is wanted is not a uniform system of large or small holdings, but a healthy variety of both. Another great benefit the farmers will derive from this Bill is the institution of a Scottish Department of Agriculture, which has long been demanded, and the advantage of which is obvious on the ground of its accessibility, on the ground of its being in touch with general feeling and also easily to be got at by individuals who wish either to obtain information or to remove grievances of which they complained. Then there is just a word or two which I wish to say as to the bogey of dual ownership, which has been trotted out pretty freely. I observe that the bogey of dual ownership always comes forth when the advocates of the patriarchal system are opposing a measure of reform. We had it last year on the Land Tenure Bill. What reason have we to be afraid of any mischief coming from that source? The case of Ireland is constantly quoted, and I have always admitted in the case of Ireland that, in the first place, they could never have had a purchase system without having a Land Court to settle rents in advance of it, and, in the second place, that the real cause of the breakdown of the agrarian system in Ireland was the establishment, side by side, of two systems, one being that under which a tenant sat with a rent fixed by a Court and paying that rent, if he could, regularly, whereas his neighbour over the road, whose landlord had been willing to agree to it, could buy his property, paying instalments and becoming the owner in fee simple after a term of years, those instalments being actually, through the use of the public credit, lighter than the annual sum paid in rent by the first man. That is a system that could not possibly be endured, and that is the reason, and no other that I am aware of, why the late Government were driven into purchase in spite of their own feeling in the matter. And yet purchase is the thing which they now desire to be applied in Scotland. The objections to the Bill seem to me to be founded on ignorance, although perhaps that cannot be said of those who bestowed so much time on the Committee upstairs, and whose assiduity and attention in discharge of their duties we can but admire. The great outstanding points of the Bill are those I have mentioned, and, above all, there is the question of hiring. The great thing in this Bill is that it leaves the tenant independent of his landlord, and in possession of a secure tenure of his farm. That is the very thing which we consider the great virtue of and the great advantage gained by the Bill. We believe that, if it passes into law, and I hope it will, it will add to the prosperity of agriculture in Scotland and that it will rear up and keep in the country districts a class of men fit to take their place in the towns, if they move into them, and also admirably fitted to discharge the agricultural duties of the country. The right hon. Gentleman opposite says that the more you keep the inhabitants in the country the greater will be the drifting to the towns. Of course, if you have a larger population to draw upon, those who go to the towns will be in proportion larger. That is very obvious. What we wish to change is the artificial, the unfavourable, as we think, condition of things in the country that drives men unnaturally to the towns. We have no desire to stop the circulation of blood from the country into the towns. Where would the towns be without a constant influx from the country? On the other hand, we do not wish to perpetuate the system which has the effect of inducing men to go in an abnormal degree into the towns, and we believe that, if we furnish them with a reasonable opportunity of leading a healthy and useful life and with a career in which they can raise themselves, that is the very strongest inducement we can give them to stay in the country. I agree entirely with the right hon. Gentleman in his estimate of the Scottish farm servants. There is no better class of servants in the world. With one exception I can express my perfect confidence in their future. I do not think their future will ever be up to their performances of the past if they abandon the food on which they and the generations before them have been nourished—namely, oatmeal and milk—and use the substitutes of a more or less pernicious kind which the ingenuity of modern science has brought about. If they go on as their fathers did, they will, with the opportunities which this Bill will afford them, show the country that the Scottish farm servants can do in these as well as in the old days.

Question put.

The House divided:—Ayes, 63; Noes, 190. (Division List No. 397.)

AYES.

Ainsworth, John Stirling
Allen, A. Acland (Christchurch
Ambrose, Robert
Ashton, Thomas Gair
Asquith, Rt. Hon. Herbert Henry
Astbury, John Meir
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Barnes, G. N.
Barry, Redmond J. (Tyrone, N.)
Beale, W. P.
Bell, Richard
Bellairs, Carylon
Benn, W. (T'w'r Hamlets, S. Geo.
Bethell, Sir J. H. (Essex, Romf'rd
Bethell, T. R. (Essex, Maldon)
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Branch, James
Brigg, John
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Burt, Rt. Hon. Thomas
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt Hn. Richard Knight
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Cooper, G. J.
Corbett, C. H (Sussex, E. Grinst'd
Cowan, W. H.
Cox, Harold
Craig, Herbert J. (Tynemouth)
Crooks, William
Dalziel, James Henry
Davies, Timothy (Fulham)
Dewar, Arthur (Edinburgh, S.)
Dewar, Sir J. A. (Inverness-sh)
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Findlay, Alexander
Fuller, John Michael F.
Gibb, James (Harrow)
Gill, A. H.
Gladstone, Rt. Hn. Herbert John
Gooch, George Peabody
Greenwood, G. (Peterborough)
Gurdon, Rt Hn. Sir W. Brampton
Hardy, George A. (Suffolk)
Harmsworth, R. L. (Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey, W. E. (Derbyshire, N. E.
Harwood, George
Haworth, Arthur A.
Hazel, Dr. A. E.
Hazleton, Richard
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hope, John Deans (Fife, West)
Horniman, Emslie John
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Illingworth, Percy H.
Jacoby, Sir James Alfred
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead
Jones, William (Carnarvonshire
Jowett, F. W.
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
King, Afred John (Knutsford
Laidlaw, Robert
Lambert, George
Lamont, Norman
Leese, Sir Joseph F. (Accrington)
Lehmann, R. C.
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs)
MacVeagh, Jeremiah (Down, S.)
M'Callum, John M.
M'Kenna, Rt. Hon. Reginald
M'Killop, W.
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F J.
Massie, J.
Micklem, Nathaniel
Molteno, Percy Alport
Montagu, E. S.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Morton, Alpheus Cleophas
Murray, James
Nicholls, George
Nicholson, Charles N. (Doncast'r
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Grady, J.
O'Kelly, James (Roscommon, N.
Pearce, Robert (Staffs. Leek)
Philipps, Owen C. (Pembroke)
Price, C. E. (Edinb'gh, Central)
Priestley, W. E. B. (Bradford, E.
Pullar, Sir Robert
Rea, Russell (Gloucester)
Rees, J. D.
Richards, T. F. (Wolverh'mpt'n
Rickett, J. Compton
Ridsdale, E. A.
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Rogers, F. E. Newman
Rose, Charles Day
Rowlands, J.
Russell, T. W.
Sears, J. E.
Seddon, J.
Seely, Colonel
Shaw, Rt. Hon. T. (Hawick B.)
Shipman, Dr. John G.
Silcock, Thomas Ball
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stewart, Halley (Greenock)
Strauss, E. A. (Abingdon)
Sutherland, J. E.
Taylor, Austin (East Toxteth)
Thompson, J. W. H. (Somerset, E
Torrance, Sir A. M.
Ure, Alexander
Verney, F. W.
Walker, H. De R. (Leicester)
Walsh, Stephen
Walters, John Tudor
Ward, John (Stoke upon Trent)
Wardle, George J.
Waring, Walter
Wason, John Cathcart (Orkney)
Waterlow, D. S.
Watt, Henry A.
Weir, James Galloway
White, George (Norfolk)
White, J. D. (Dumbartonshire)
White, Luke (York, E.R.)
Whitley, John Henry (Halifax)
Williams, J. (Glamorgan)

Williams, Llewelyn (Carmarth'n
Wills, Arthur Walters
Wilson, Hon. C.H.W.(Hull, W.)
Wilson, Henry J.(York, W.R.)
Wilson, John (Durham, Mid)
Wilson, J.W.(Worcestersh.N.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease

NOES.

Balcarres, Lord
Baldwin, Alfred
Balfour, RtHn.A.J.(City Lond.)
Banbury, Sir Frederick George
Barrie, H. T. (Londonderry, N.)
Beach, Hn. Michael HughHicks
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Bull, Sir William James
Butcher, Samuel Henry
Cave, George
Cavendish, Rt. Hn. VictorC.W.
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Chamberlain, RtHnJ.A.(Worc.
Chaplin, Rt. Hon. Henry
Cochrane, Hon. Thos. H. A. E.
Corbett, A. Cameron (Glasgow)
Corbett, T. L. (Down, North)
Craik, Sir Henry
Dalrymple, Viscount
Davies, David (Montgomery Co.
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Fell, Arthur
Ferguson, R. C. Munro
Fetherstonhaugh, Godfrey
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Harrison-Broadley, H. B.
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hills, J. W.
Hunt, Rowland
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Lonsdale, John Brownlee
Meysey-Thompson, E. C.
Mildmay, Francis Bingham
Moore, William
Morpeth, Viscount
Nicholson, Wm. G.(Petersfield)
Nield, Herbert
Pease, Herbert Pike(Darlington
Powell, Sir Francis Sharp
Rawlinson, John FrederickPeel
Rutherford, John (Lancashire)
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Smith, Abel H.(Hertford, East)
Stanley, Hn. Arthur (Ormskirk
Starkey, John R.
Staveley-Hill, Henry (Staff'sh.
Talbot, Lord E. (Chichester)
Thomson, W.Mitchell-(Lanark)
Walker, Col. W.H.(Lancashire)
Wilson, A.Stanley (York.E.R.)
Wyndham, Rt. Hon. George
Younger, George

TELLERS FOR THE NOES—Sir Alexander Acland-Hood and Viscount Valentia.

Main Question put, and agreed to.

Bill read the third time, and passed.

SMALL HOLDINGS AND ALLOTMENTS BILL (ALLOCATION OF TIME).

Order read, for resuming Adjourned Debate on Question [5th August], "That the Report stage of the Small Holdings and Allotments Bill be brought to a conclusion in three allotted days; and (a) That the new Clauses and Clauses 1 to 5 of the Bill be proceeded with and proceedings thereon brought to a conclusion on the first allotted day; and (b) That the Clauses of the Bill following Clause 5 to the end of Part II. of the Bill (if and so far as not previously disposed of), be proceeded with and the proceedings thereon brought to a conclusion on the second allotted day; and (c) That the remaining Clauses of the Bill and the Schedules and any other matter necessary to bring the Report stage of the Bill to a conclusion (if and so far as not previously disposed of) be proceeded with on the third allotted day, and the proceedings thereon brought to a conclusion on that day.

Any day on which the Small Holdings and Allotments Bill is put down as the first Order of the Day shall be considered an allotted day for the purposes of this Order.

At 10.30 p.m. on any allotted day on which proceedings on any business allotted to that day are to be brought to a conclusion, or if that day is a Friday at 5 p.m., Mr. Speaker shall, if those proceedings have not already been brought to a conclusion, put forthwith the Question or Questions on any Amendment or Motion already proposed from the Chair, and shall next proceed successively to put forthwith the Question on any new Clauses or Amendments moved by the Government of which notice has been given (but no other Clauses or Amendments), and on any Question necessary to dispose of the business to be concluded, and in the case of Government Amendments or of Government new Clauses or Schedules he shall put only the Question that the Amendment be made or that the Clause or Schedule be added to the Bill, as the case may be.

Any Private Business which is set down for consideration at 8.15 p.m. on any allotted day shall, instead of being taken on that day as provided by the Standing Order "Time for taking Private Business," be taken immediately after the conclusion of the proceedings on the Bill for that day, and any Private

Business so taken may be proceeded with, though opposed, notwithstanding the Standing Order "Sittings of the House."

At 11 p.m. on the day on which the Third Reading of the Bill is put down as first Order of the Day, or if that day is a Friday or Saturday at 5 p.m., Mr. Speaker shall put forthwith any Question necessary to complete the proceedings on that stage of the Bill.

After the passing of this Order, on any day on which any proceedings on the Small Holdings and Allotments Bill stand as first Order of the Day, no dilatory Motion on the Bill, nor Motion to recommit the Bill, nor Motion for adjournment under Standing Order 10, shall be received unless moved by a Minister of the Crown, and the Question on any such Motion shall be put forthwith without Debate.—(*Sir H. Campbell-Bannerman.*)

Question again proposed.

*MR. CHAPLIN (Surrey, Wimbledon) said he could not allow the Motion to pass without expressing his surprise and even his astonishment that the Prime Minister should have thought it his duty to make that proposal to the House without offering or even attempting to offer a single reason of any sort or kind in justification of it.

SIR H. CAMPBELL-BANNERMAN: I gave the reasons the other day.

*MR. CHAPLIN said he was perfectly well aware of that, and he was glad the right hon. Gentleman had reminded him, for curiously enough the report of the Prime Minister's speech absolutely confirmed his view that there was not the smallest reason for or justification of this action. The right hon. Gentleman had claimed that the Government had endeavoured to allot the time in such a way as to give the best opportunity for considering important matters, and no doubt they had done so, but the result of the endeavour had been singularly unfortunate. During the discussion at an earlier period of the Session of the new rules as to Standing Committees the Prime Minister, as reported in *Hansard*, claimed to have enlarged the liberties and privileges of Members on the Report stage to make up for the curtailment of Committees in the Whole House. That undertaking, given on the 11th April this year, had certainly not been fulfilled. He quite acknowledged that the Bill now under discussion was not so extreme as the other Bills before Parliament dealing with the land of the United Kingdom, because it did not introduce the principle of dual ownership nor did it involve such a complete revolution in our land system as was embodied in the Scottish and Irish Land Bills. But it did propose the most drastic changes in our land system in England that he ever remembered since he came into Parliament, which changes required earnest and most serious consideration. No one pretended that any complaint could be made of the proceedings of the Committee upstairs, and they escaped the violent closure so repeatedly applied to the Scottish Bill. That proved that no time was wasted, and yet it took fourteen days to consider the Bill in Committee, and many of the sittings were much prolonged. The Bill contained forty-seven clauses and two long and important schedules. Yet only three days were offered for discussion on Report. Enormous interest was taken in this measure out of doors, as the letters coming to him by every post testified; but excellent precautions were being taken to prevent any reports reaching the public of the views of the House of Commons on some of the most important questions involved. It was not a very courageous policy, but the knife of the guillotine would be resorted to instead of the weapons of argument. Let them consider how the time for discussion was to be allocated, and the character of some of the questions which would have to be discussed. The first five clauses of the Bill, overriding the wishes of the county councils, which occupied the Committee five or six days, were to be disposed of in one day on Report. Nothing in his judgment could be more important than that proposal, which was an absolute and entire departure from the principles of legislation hitherto adopted in this country. In Clause 5 there was a proposal for compelling the county council to pay out of its own funds for proceedings of which it entirely disapproved. It was the last clause in that section of the Bill—and Subsection (3) of that clause, which was only inserted in the Committee after a division in which the Government was defeated—would be the last question for consideration that night. Neither of these questions might even be reached. Ten most important questions were raised in the next nineteen clauses, all of which were to be discussed on the second day. There were the questions whether the new holders should be owners or only leaseholders; whether it should be compulsory purchase or compulsory hire by the county council; the number of dwellings to be erected on an allotment or small holding; borrowing powers; repayment of expenses to the county council in certain cases; the transfer to the parishes of the control of the allotments, even where no parish council exists; the limitation of parish borrowing powers; the relative size of allotments to small holdings; the power of the Government Department to override the county councils in their views on the question of allotments, and the new clause inserted at the last moment giving the London County Council power to establish colonies of allotment holders, a power which surely should have been given to the borough councils. On the third day they had twenty-one clauses and the schedules to consider, all again dealing with most important matters, including that of the compensation to be given to the owners and occupiers, or sitting tenants, who were to be dispossessed. He thought the House was entitled to some explanation from the Government of the reasons by which they had been guided in depriving the House of anything like an adequate time to deal with proposals which he considered to be, if not as extreme as the proposals for Ireland and Scotland, the most serious proposals with regard to the land in England and Wales he could remember since he first entered Parliament. He held that the pressure of time was no excuse for this procedure, for it was the duty of the Government, when they had decided to bring in this important measure, to introduce it at such a reasonable time in the session that it could be fittingly and properly discussed in both Houses of Parliament.

THE SOLICITOR-GENERAL (Sir W. ROBSON, South Shields) said there were in this Bill two principles which were undoubtedly controversial and matters of importance; but they had, he contended, been decided by the House on the Second Reading, and the Government were entitled to assume that they were not likely to be raised on the Report stage. The first of those two principles was embodied in the clause which related to the action the Board of Agriculture might take in default of action by the county council. He could not agree that that principle was a complete novelty in our legislation. There was, at all events, the precedent of the Defaulting Authorities Act. In that case the action of the central department was of a hostile character, whereas the action of the Board of Agriculture under this Bill would proceed on friendly rather than on hostile lines. But the debate on that principle was, as he had said, concluded by the Second Reading of the Bill. With regard to the proceedings in Committee, it was only fair to the right hon. Gentleman who led the Opposition upstairs to say that he acted with the greatest possible consideration for what was fair both to the Government and to the Opposition, and displayed also the greatest care for the proper economy of time. The other important principle raised by the Bill was that of compulsory hiring, and that again, he contended, was concluded on the Second Reading. It was very hard to see that on any day the House would really have very much to do in any of the compartments into which the Bill was divided. With regard to the first five clauses, any one who objected to the principle contained in them ought to have opposed the Second Reading. The next day was to be devoted to a number of clauses relating to the Amendment of the Small Holdings Act of 1892, and not one of them appeared to him to raise any great controversial matter. Then with regard to the question of the acquisition of land, which was to be dealt with on the third day, the points connected with that question were points of detail only. He held that the Government had given a very fair and ample amount of time in which to deal with the groups of clauses.

MR. AUSTEN CHAMBERLAIN (Worcestershire, E) said he could not allow the doctrine laid down by the Solicitor-General to pass without protest. The hon. and learned Gentleman had said that if they took objection to hiring as against purchase, or the overriding of the county councils, they ought to have opposed the Second Reading of the Bill, or taken those exceptions on the Second Reading, because these were among the principles of the measure. If they had followed that course and voted against the Second Reading, the hon. and learned Gentleman and his friends would have gone down to the country and denounced them as being opposed to any extension of the system of small holdings and allotments. The hon. and learned Gentlemen and hon. Gentlemen supporting the Government had not acted on that principle when in opposition. The hon. and learned Gentleman was vigorously opposed to the Aliens Bill. Did he vote against the Second Reading ? Of course not.

MAJOR SEELY (Liverpool, Abercromby) : We divided against the Second Reading.

MR. AUSTEN CHAMBERLAIN said he had been informed that they had not voted against the Second Reading, but it did not matter whether they had or had not, it was immaterial to his point, which was that the hon. and learned Gentleman said that the passing of the Second Reading, with or without a division, settled all the principles of the Bill, and that they had no business to raise them again, and had no claim to discuss them.

SIR W. ROBSON : I said that we were fairly entitled to assume that when the Second Reading of a Bill is passed without a division the House has accepted the vital principles of the Bill.

MR. AUSTEN CHAMBERLAIN : Had the Opposition accepted the vital principles of the Aliens Bill ? Of course they had not. They fought every line of it as far as they could, whether they divided upon the Second Reading or not. The distinction which the hon. and learned Gentleman had drawn as to vital principles was one invented for the purposes of that debate. Had they divided on the Second Reading of this Bill every hon. Member knew, as he had said, that hon. Gentlemen opposite would have gone to the country and told the people that they were opposed to an extension of the system of small holdings and allotments. He submitted that the right test was that they divided on the Second Reading when they believed that it was impossible to make the Bill a good Bill by changing it in Committee or on Report. They could have altered the principle of this Bill in Committee into one of purchase had the majority of the House been willing to do so. Then as to overriding the local elective representatives, they could perhaps have altered that in Committee, if they had been allowed to discuss it. He had only risen, however, to enter his protest against the doctrine invented by the hon. and learned Gent'eman, he thought on the spur of the moment, to justify the course which the Government were now taking. He protested against the view that, because they allowed the Second Reading of a Bill without opposition, therefore they were to be taken as having accepted the great and important principles of the measure.

MAJOR SEELY said he wished to enter a protest with regard to certain details of this Resolution relating to the prevention of adjournments of the House under Standing Order 10. He was aware that right hon. Gentlemen opposite joined with his right hon. friend the Prime Minister and Members on the Treasury Bench in regarding unfavourably these motions for adjournment, because they were anxious to get on with the business; but private Members were of opinion that although it was of importance to pass Bills, it was of infinitely greater importance that they should retain their power to discuss grievances. This matter had become acute only last week when hon. Gentlemen opposite desired to move the adjournment in regard to the state of affairs in Belfast. They ought to have been able to move the adjournment. Troops had been called out in large numbers, and danger was anticipated, and matters of the gravest consequence had arisen which that House ought to have found it possible to discuss. By the Motion which they were now going to pass, and which followed the precedent set by hon. Gentlemen opposite, and was, therefore, no Party question, they were depriving themselves during the remainder, or a great portion, of the session, from moving the adjournment of the House. He appealed to his right hon. friend the Prime Minister, who had again and again expressed his view that this was a Parliament House, and that its principal function was debate. While he did not in the least dispute the necessity for guillotine Motions of this kind, deplorable as they undoubtedly were, still he appealed to his right hon. friend that when next he moved such a Motion, he should leave out the obnoxious words, "nor Motion for adjournment under Standing Order 10." He could not vote for a Motion of this kind in future if it contained those words, but, since it followed precedent so closely, in the circumstances he should vote for it on this occasion.

*MR. JESSE COLLINGS (Birmingham, Bordesley) said the Solicitor-General had referred to this measure as having nothing controversial in it, but the hon. and learned Gentleman would remember there were two subsections which tended directly to destroy the operation of the Act of 1892. One subsection would make almost impossible any further effort of the county councils to put in operation the Act of 1892; he referred to the five acres limit for small holdings, and in regard to which, he was happy to say, the Government were defeated by two and the Act was saved. So much for the uncontroversial character of the measure. The other subsection, which still remained in the Bill, was a direct attack on the Act of 1892, and the effect of it would be that where there was a colony of peasants now in existence, as they died, under certain circumstances the holdings would be extinguished as ownerships and would be let as tenancies. These were very controversial matters in his opinion, and if the country had known the principles of the measure—and they were bound to let them know some way or other, in spite of the hole-and-corner manner in which this Bill had been conducted—they would have rejected it unanimously. The hon. and learned Gentleman the Solicitor-General had made very light of the coercion of the county councils, and had cited the Education Act, but he had forgotten that in the case of the Education Act the central authority supplied the bulk of the money, and therefore they naturally had something to say. But in this case the local authority supplied the money, and it was the local authority that was to secure repayment. Therefore there was no precedent to be found in the case of the Education Act. The Government were afraid of the example of the Act of 1892, which was an unqualified success so far as it had been put into force, and therefore they wanted to stifle discussion, and, so far as they were concerned, they would succeed in stifling discussion.

MR. BYLES (Salford, N.) said hitherto all the speeches had been from the Front Benches, and he thought, therefore, that it was just as well that they should hear an independent voice from the back benches. All previous speakers had addressed themselves to the merits of the Land Bill which they were to discuss next week or three or four days; in anything he desired to say he would try to keep as much as possible to the Motion. He should vote without hesitation with the Prime Minister, though he would do so with great reluctance. He voted without hesitation because he desired to support the Government in this kind of legislation. It was not that he loved the guillotine more, but that he loved sterility less, that he would vote for the Motion. He would vote for it also because it applied to legislation dealing with the most important of all questions, namely, the land question. They desired to bring together the land and the people. Wed them and there was joy, divorce them and there was sorrow. But he voted for the Motion with reluctance, because no one detested the guillotine and closure more than he did. When they had to pass a guillotine Resolution by the aid of the closure things had got to a point at which he thought the House of Commons should reconsider its ways. He applied that criticism to all Parties, and not to any particular Party, because it was the duty all of to consider how the great traditions of the House could best be maintained without the introduction of measures of this kind. [OPPOSITION cheers.] He hoped the cheers of hon. Members opposite augured well for their future action, because they had not been unwilling recently to waste the time of the House. [Cries of "No."] Hon. Members opposite had occupied the time of the House with the deliberate purpose of wasting Government time. [OPPOSITION cries of "No, no."] If they did not get rid of the guillotine and the closure it would compass the ruin of the House of Commons. The Leader of the Opposition had said that the guillotine in the end must lead to the destruction of the British Government. He regarded free discussion as the life-blood of that assembly, and he hoped all parties would strive to maintain the great glory of the House of Commons. [AN HON. MEMBER: Are you going to vote against this Motion?] He agreed that the conduct and speeches of the Opposition made this Motion necessary. [AN OPPOSITION MEMBER: What have we done?] The Leader of the Opposition had said that laws enacted under the closure could not have the same weight and authority with those who had to obey them as if they had been passed in the old fashion. Whenever he had spoken with his colleagues on this question they all agreed that the guillotine was bad, but they replied, "What can we do?" There were some things they could do. It had been suggested that a business Committee should allocate the time to be given to the different parts of all important measures. He thought it would be a great improvement. ["Agreed."] It had been pointed out that there were certain Standing Orders which would enable Mr. Speaker and the Chairman to exercise a more rigid control over speeches which were obviously made for the purpose of wasting time. It had never been his misfortune to be in opposition. [Cries of "Divide, divide," and "Question."] The Standing Orders did not allow an hon. Member to make irrelevant remarks.

*MR. SPEAKER: I am afraid I shall have to put that Standing Order in force myself against the hon. Member, who is really taking a very comprehensive view of this question. He is departing from the strict limits of the Motion before the House.

MR. BYLES said he was much obliged to Mr. Speaker for giving him such a striking example of the kind of repression he was advocating. ["Question."] If they stuck to their old methods of procedure and remembered what they were doing to the House of Commons by this policy; if they only showed in regard to this question some of the patriotism which hon. Members laid claim to, they would try and put the conduct of the business of the House under such conditions as would render Motions of the character they were now considering quite unnecessary. The right hon. Gentleman the Member for Wimbledon had argued that the practice of individual closure should be revived in this House. Many years ago a Speaker of the House of Commons laid down the ruling that an hon. Member had the right to speak but the House had the right to judge whether they would hear him. [Cries of "Divide, divide."] On another occasion a Member's speech was interrupted by humming, and the Member was obliged to resume his seat. [Cries of "Hum, hum."] He was glad hon. Members opposite had been so quick to learn this lesson. Probably some hon. members like himself occasionally went to the Oval and Lords to see a cricket match. There was often a keen contest in those matches, just as there was between one Party and another in that House, but when a man had his middle stump knocked down he generally acted in a sportsmanlike manner, and hon. Members in a minority ought to accept the decision of the umpire, which in the House of Commons was the Division Lobby.

MR. CAVE (Surrey, Kingston) said there was really no valid reason for a guillotine Motion in this case. Notice had been given of the Motion before a single Amendment to the Bill had appeared on the Paper, and before anyone knew how many Amendments were to be put down, or how long the discussion on the Report stage was likely to take. It had been admitted by every speaker on the Government benches that the Unionist Members had not wasted time in the discussions in Committee. Time had been needlessly consumed by hon. Members opposite, and that had been admitted by some of their own speakers and in their own papers. He was confident that if, instead of proposing a guillotine Motion, the Government had given reasonable time, say until midnight on three or four days, for the consideration of the Bill by the House, the discussions could have been got through without the application of the closure. The division of time in the proposed Motion was such that some of the most important matters in the Bill must be shut out from discussion. On the first day much time might be taken up in the discussion of the new clauses, and he was afraid there would not be much opportunity for the discussion of the really important clauses of the Bill which were to be disposed of on that day. Clause 5 was the last in the group to be dealt with on the first day. That was possibly the most important clause in the Bill, and they knew perfectly well that there was no chance whatever of its being adequately discussed. He hoped it would be possible to alter the allocation of time so as to begin the second day's discussion with Clause 5. The question of allotments came at the end of the second day's group, and he did not think they would get a word said upon it.

MR. O'GRADY (Leeds, E.) asked the Prime Minister whether it was essential to retain in the Resolution the words "nor Motion for adjournment under Standing Order 10," which would have the effect of preventing the adjournment of the House being moved to call attention to any definite matter of urgent public importance on any day when the Small Holdings and Allotments Bill was put down at the first Order of the day. At the present moment there was a very serious situation in Belfast, and at any moment there might be a terrible massacre. He agreed with the hon. and gallant Member opposite that this was too serious a matter to be allowed to go without protest. If the Prime Minister could see his way to delete these words he and his colleagues would readily vote for the Motion.

SIR H. CAMPBELL-BANNERMAN expressed regret that he could not assent to the suggestion, for to allow opportunities for moving the adjournment of the House would be inconsistent with the conception of the guillotine Resolution. The portion of time at the disposal of the House for the transaction of its business was already too short.

LORD R. CECIL (Marylebone, E.) said it would be perfectly easy to put words in the Motion to provide that if a certain amount of time was taken up in the discussion of a Motion for the adjournment of the House, an equivalent amount of time could be given to the Small Holdings and Allotments Bill later on. He thought that would meet the whole case.

SIR H. CAMPBELL-BANNERMAN said that that was part of the proposals of the Procedure Committee which the Government hoped would secure the assent of the House.

LORD R. CECIL: That could be done in this Motion.

SIR H. CAMPBELL-BANNERMAN: We could not introduce it now.

Question put.

The House divided: Ayes, 167; Noes, 48. (Division List No. 398.)

AYES.

Ainsworth, John Stirling
Allen, A. Acland (Christchurch)
Asquith, Rt. Hn. Herbert Henry
Astbury, John Meir
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Barnes, G. N.
Barran, Rowland Hirst
Barry, Redmond J. (Tyrone, N.)
Beale, W. P.
Bell, Richard
Benn, W. (T'w'r Hamlets, S. Geo.
Berridge, T. H. D.
Bethell, T. R. (Essex, Maldon)
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Branch, James
Brigg, John
Brunner, J. F. L. (Lancs., Leigh)
Burns, Rt. Hon. John
Burt, Rt. Hon. Thomas
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clynes, J. R.
Collins, Stephen (Lambeth)
Cooper, G. J.
Corbett, C. H (Sussex, E. Grinst'd
Cowan, W. H.
Craig, Herbert J. (Tynemouth)
Crooks, William
Dalziel, James Henry
Davies, Timothy (Fulham)
Duckworth, James
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Everett, R. Lacey
Fenwick, Charles
Ferguson, R. C. Munro
Findlay, Alexander
Fuller, John Michael F.
Gladstone, Rt Hn. Herbert John
Gooch, George Peabody
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Haldane, Rt. Hon. Richard B.
Hardy, George A. (Suffolk)
Harmsworth, R. L. (Caith'ss-sh
Harvey, A. G. C. (Rochdale)
Haworth, Arthur A.
Hazel, Dr. A. E.
Henderson, Arthur (Durham)
Henry, Charles S.
Holden, E. Hopkinson
Horniman, Emslie John
Hudson, Walter
Idris, T. H. W.
Illingworth, Percy H.
Jacoby, Sir James Alfred
Jones, Sir D. Brynmor (Swansea)
Jones, William (Carnarvonshire
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Leese, Sir Joseph F. (Accrington
Lehmann, R. C.

Levy, Sir Maurice
Llewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lupton, Arnold
Macdonald,J.M.(Falkirk B'ghs
Maclean, Donald
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah (Down, S.
M'Callum, John M.
M'Kenna, Rt. Hon. Reginald
M'Killop, W.
M'Laren, H. D. (Stafford, W.)
Maddison, Frederick
Mallet, Charles E.
Markham, Arthur Basil
Marks,G.Croydon (Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Molteno, Percy Alport
Morgan, G. Hay (Cornwall)
Morley, Rt. Hon. John
Morrell, Philip
Morton, Alpheus Cleophas
Murray, James
Napier, T. B.
Nicholls, George
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Grady, J.
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Philipps, Owen C. (Pembroke)
Price, C.E.(Edinburgh,Central)
Pullar, Sir Robert
Radford, G. H.
Rea, Russell (Gloucester)
Rees, J. D.
Richards,T.F.(Wolverhampton
Rickett, J. Compton
Ridsdale, E. A.
Roberts, G. H. (Norwich)
Robertson,SirG.Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Rowlands, J.
Russell, T. W.
Sears, J. E.
Seddon, J.
Seely, Colonel
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stewart, Halley (Greenock)
Strauss, E. A. (Abingdon)
Sutherland, J. E.
Torrance, Sir A. M.
Ure, Alexander
Walker, H. De R. (Leicester)
Walters, John Tudor
Ward, John (Stoke upon Trent)
Waring, Walter
Wason,John Cathcart (Orkney)
Waterlow, D. S.
White, George (Norfolk)
White,J. D. (Dumbartonshire)
White, Luke, (York, E.R.)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax)
Whittaker, Sir Thomas Palmer
Williams, J. (Glamorgan)
Williams,Llewelyn(Carmarth'n
Wilis, Arthur Walters
Wilon, Hon. C.H.W. (Hull, W.)
Wilson, Henry J. (York, W.R.
Wilson, J. H. (Middlesbrough)
Wilson, J.W.(Worcestersh. N.)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood,RtHn.SirAlex. F.
Balcarres, Lord
Balfour,Rt.Hn.A.J.(City Lond.
Barrie H. T. (Londonderry, N.
Beach, Hn. Michael HughHicks
Bowles, G. Stewart
Boyle, Sir Edward
Causton,Rt.Hn.RichardKnight
Cave, George
Cavendish,Rt. Hn. VictorC.W.
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Chamberlain,RtHn.J.A.(Worc.
Chaplin, Rt. Hon. Henry
Cochrane, Hon. Thos. H.A.E.
Collings,Rt.Hn.J.(Birmingham
Corbett, T. L. (Down, North)
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Fell, Arthur
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Harrison-Broadley, H. B.
Hill, Sir Clement(Shrewsbury)
Hunt, Rowland
Lambton, Hon. Frederick Wm.
Lonsdale, John Brownlee
Meysey-Thompson, E. C.
Mildmay, Francis Bingham
Moore, William
Morpeth, Viscount
Nicholson, Wm.G. (Petersfield
Nield, Herbert
Pease,HerbertPike (Darlington
Powell, Sir Francis Sharp
Rawlinson,John Frederick Peel
Scott, Sir S. (Marylebone, W.)
Smith, Abel H.(Hertford,East)
Stanley,Hon.Arthur (Ormskirk
Staveley-Hill, Henry (Staff'sh.
Talbot, Lord E. (Chichester)
Thomson, W.Mitchell-(Lanark)
Wilson, A.Stanley (York, E.R.)
Wyndham, Rt. Hon. George
Younger, George

TELLERS FOR THE NOES—Viscount Valentia and Mr. Forster.

Ordered accordingly.

PATENTS AND DESIGNS BILL.

As amended (by the Standing Committee) considered.

New clause :—

"A defendant in an action for infringement of a patent, if entitled to present a petition to the Court for the revocation of the patent, may, without presenting such a petition, apply in accordance with the rules of the Supreme Court by way of counterclaim in the action for the revocation of the patent."—(*Mr. Lloyd-George*).

Brought up and read the first and second time, and added to the Bill.

New clause :—

"Rules may be made under the principal Act for regulating the matters dealt with in subsections two and three of section forty-seven, and in section forty-eight of the principal Act, which relate to the form and manner in which applications for the registration of designs are to be made, and on the coming into operation of any such rules the said enactments shall be repealed."—(*Mr. Lloyd-George.*)

Brought up, and read the first time and second time, and added to the Bill.

MR. LLOYD-GEORGE in moving a new clause (Procedure on Petitions for Extension of Term of Patent) said that he submitted it to the House in redemption of a pledge which he had given in Committee to the hon. and gallant Member for Handsworth. It did not go quite as far as the clause proposed by the hon. and gallant Gentleman in Committee, but it went as far as they could safely do at present.

New clause:—

"The following section shall be substituted for section twenty-five of the principal Act:—(1) A patentee may, after advertising in manner provided by rules of the Supreme Court his intention to do so, present a petition to the Court praying that his patent may be extended for a further term, but such petition must be presented at least six months before the time limited for the expiration of the patent; (2) Any person may give notice to the Court of objection to the extension; (3) On the hearing of any petition under this section the patentee and any person who has given such notice of objection shall be made parties to the proceeding, and the comptroller shall be entitled to appear and be heard, and shall appear if so directed by the Court; (4) The Court, in considering its decision, shall have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case; (5) If it appears to the Court that the patentee has been inadequately remunerated by his patent, the Court may by order extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may order the grant of a new patent for such term as may be specified in the order and containing any restriction, conditions, and provisions the Court may think fit."—(*Mr. Lloyd-George.*)

Brought up, and read a first time.

Motion made, and Question proposed, "That the clause be read a second time."

MR. MEYSEY-THOMPSON (Staffordshire, Handsworth) said that in rising to speak on this new clause he wished first of all to acknowledge the ability and courtesy displayed by the President of the Board of Trade with regard to this question. On the first occasion on which he called the attention of the House to the necessity of reducing the cost and increasing the facilities for the extension of the period of protection in the case of small patentees, the President of the Board of Trade immediately and very courteously adopted the suggestion and declared his intention of embodying a clause in the Bill to cover what he advocated. Afterwards, when in Committee, he brought forward his new clause, the President of the Board of Trade gave the matter his most careful consideration, and eventually he brought in the clause as it now stood, to which he would give his cordial support. Naturally, he would have preferred the new clause in its original form as he introduced it, namely, that the authority who was to deal with the extension of the period of protection should be the Comptroller of the Patent Office, since his object was especially to reduce the cost of and to simplify the process of extension which he honestly thought would be best accomplished by the clause as it stood in his name on the Paper. Briefly the case was as follows. At present an application by a patentee for an extension of the period of protection must come before the Judicial Committee of the Privy Council, a process which costs the patentee at least £500 and frequently a much larger sum. This put it quite out of the reach of the small patentee. By this new clause he proposed that the Comptroller of the Patent Office, who originally caused the patent to be granted, and who might if he thought fit, refer the application to the President of the Board of Trade, should have power to grant an extension of the period of protection. This would be a very simple and inexpensive process. In the new clause adopted by the President of the Board of Trade the authority to grant the extension should be a Judge of the Supreme Court instead of the Comptroller of the Patent Office. This, he thought, would be more expensive than his own proposal. Still, being convinced that the President had done his level best for this new clause, and as he understood from him that under this clause the cost would be reduced from £500 to something like £50, or possibly £25, he thought that a very substantial boon would be conferred upon a large class of working men who were eminently deserving of their encouragement and support. These were the class of men who lent dignity to labour, who instead of merely trying to get through their day's work with as little trouble as possible threw themselves heart and soul into their employment; who studied how they could improve the machinery with which they daily worked; spent their leisure hours in trying to develop such small improvements; and applied for a patent to protect the result of their energy and ingenuity. Surely these people were deserving of help, and it was with the object of making it easier for them to reap their just reward that he had put forward his new clause. They all thought that their geese were swans, but in this case he preferred to compare his new clause to the ugly duckling of the fable who grew up into a swan, and he hoped that now that the ugly duckling had struggled through its earlier and most dangerous period of existence under the genial and generous support of the President of the Board of Trade, and was now fledged, it might accomplish the object that they had in view, namely, to bring increased profit and pleasure to many who were entitled to all the assistance which they had it in their power to give them. He therefore thanked the President for his adoption of the clause, and had great pleasure in supporting the proposed clause and withdrawing his own, which had been so generously met by the clause the right hon. Gentleman had now introduced.

MR. STAVELEY-HILL (Staffordshire, Kingswinford) said he had read with care the clause which the hon. and gallant Member for Handsworth had proposed in Committee, and agreed with every particular in it; but he thought they ought to fall in with the clause now suggested by the President of the Board of Trade. He wanted to know, however, whether they were assured that the procedure proposed under the new clause would be removed from the Judicial Committee of the Privy Council to the Supreme Court.

MR. LLOYD-GEORGE said it would be removed to the Supreme Court and the case would be considered by specially-appointed Judges.

Question put, and agreed to, and clause added to the Bill.

MR. J. D. WHITE, in moving a clause (Exemption of innocent infringer from liability for damages) said that his object was to give the public some protection. As things at present stood, a patentee was under no obligation whatever to notify the public that there was a patent for the article, and the object of the Amendment was that even if the article was marked "patent" it should not be deemed to constitute notice of the existing patent unless the word was accompanied by the year and number of the patent. If a patentee wished to secure damages for the infringement of his patent, the first thing he should do was to communicate with the infringer. It seemed to him to be an abuse of the system to mark an article with the word "patent" so as to prevent competition, after the patent had really expired. Of course the Amendment provided that nothing in the new section should affect any proceedings for an injunction. He would like to make two small Amendments in the clause which had been suggested to him. In the first line after the word "damages" to insert "in respect of any infringement," and in the third line to strike out the second "the," and substitute "such."

New clause:—

"A patentee shall not be entitled to recover any damages in an action for infringement commenced after the commencement of this Act from any defendant who proves that at the date of the infringement he was not aware of the existence of the patent, and the marking of an article with the word 'patent,' 'patented,' or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall not be deemed to constitute notice of the existence of the patent unless the word or words are accompanied by the year and number of the patent.

"Provided that nothing in this section shall affect any proceedings for an injunction."—(*Mr. J. D. White.*)

Brought up, and read a first time

Question proposed, "That the clause be read a second time."

LORD R. CECIL said he could not believe that the Government would accept such a provision. In the case of saccharine and other chemical patented articles which were now imported into this country: how on earth were they to mark them as proposed by the clause? A common defence was that the infringer of a patent did not know that the imported article was imported, or was a breach of a patent, or that he thought that it was made in such a way that it did not infringe the patent. It was no defence for taking away another man's property to say that it was taken in ignorance. Surely it would be a monstrous proposition that under no circumstances was a patentee to be able to recover damages under this clause for infringement of the patent of any chemical material, because such material could not be stamped.

Mr. LLOYD-GEORGE, in accepting the new clause, pointed out that the matter was discussed very fully and at very great length upstairs, and he recognised at that time the difficulty of the question. The general, if not the unanimous, feeling of the Committee was in favour of something of this kind being inserted in the Bill. The object was to secure that every patented article should contain some notification, not only of the fact that it was patented, but of the date on which the patent was granted. The Government, therefore, accepted a clause dealing with the question. At the time they accepted it they were satisfied that it met the exigencies of the case; what they meant to deal with was this, that at present there was no doubt that the patentee could go on manufacturing a patented article and selling it as patented long after the patent had expired, say sixty or seventy years after. He thought they ought to take the American precedent and mark the product, but of course if they could not, as in the case of chemicals, mark the product, they must mark the bag.

Lord R. CECIL said the bulk in the bag was split up and the product sold retail in small quantities.

Mr. LLOYD-GEORGE admitted that of course that might be done, but said he was not satisfied with the clause of the Bill as it passed away from the Committee, and he thought after consulting his advisers that this proposed new clause was the fairest way of carrying out the intention he had.

Mr. ASTBURY (Lancashire, Southport) asked the right hon. Gentleman to make three alterations in the clause, otherwise he thought it would be wholly unworkable. First of all, it ought to be limited to patents granted after the passing of this Act. It was not fair that people who already possessed and were working patents should have their trade interfered with retrospectively. Secondly, he suggested that after the word "aware" in line 4 of the Amendment the words "or could not with reasonable diligence have become aware" should be inserted, and thirdly, that after the words "marking of an article" in the same line the words "or the case of or covering in which the article is contained" should be inserted. If these changes were made he thought the clause would be much more operative and valid than it was at present.

Mr. CAVE said that this was an entirely new departure in the patent law of this country and would seriously affect a great many people.

Mr. LLOYD-GEORGE said it was not a departure from the practice which prevailed in other countries.

Mr. CAVE said the effect of the clause was this. A patentee might get an injunction against infringement, but he could not get damages unless he proved that the infringer knew of the existence of the patent. That opened a door to fraud, because a man who had knowledge might go on infringing, and when the action came on he might say he did not know of the patent. It was sometimes very difficult to prove knowledge though knowledge existed. The profits from an infringement might be very large, and yet if the infringer chose to say that he was not aware that he was infringing the patent and was doing so innocently, he was to keep the profits he had made and deprive the patentee of them. He thought the right hon. Gentleman was hasty in accepting the clause, which was not of such a nature that it should be adopted at short notice.

*Mr. LLOYD-GEORGE said that the chambers of commerce had asked for this. [Cries of "No!"]

Mr. CAVE said another point was that there were certain patents, such as patents for chemical processes, on which a mark could not be put as suggested by the clause. He knew the right hon. Gentleman was anxious to do what was fair, but he did not think he should accept this clause.

*Mr. NAPIER (Kent, Faversham) objected to the Amendment. As to the infringer not knowing whether he was infringing a patent or not, he often did not know because he did not choose to know.

If this Amendment was carried it would distinctly encourage the multiplying of that class of person who made articles and made them purposely without inquiring whether there was any patent which would hinder him from making that article. This was, in his opinion, a very dangerous clause.

LORD BALCARRES (Lancashire, Chorley) said he sympathised with his hon. friend in the desire he had embodied in this clause, and he thought they wanted it in a different form; something more drastic, but, at the same time, something workable. There were a good many things which could not be marked, such as chemicals, which could only be marked on the bags. Flour was another article which could not be marked except in the bulk, either with the word "patent" or "patented," or with the date of the granting of the patent. As soon as the article was sold retail that safeguard went. He thought the object of the clause was good, and was not surprised that the chambers of commerce should desire something of this sort.

SIR F. CHANNING (Northamptonshire, E.) thought the danger of the patentee suffering from this clause was illusory. If a notification were placed on an article or upon the case containing it it would be a warning against infringement and the best possible protection to the patentee.

MR. AUSTEN CHAMBERLAIN hoped the President of the Board of Trade would reconsider his decision on the subject. It was to secure a monopoly that a patent was granted by the State, and it was important that it should be duly carried out, and the patentees should be able to carry out their patent rights on reasonable terms. This clause, however, might involve great hardship to an inventor. A person might become rich and make a large sum out of the invention of another, and they ought not, he thought, to prevent an inventor from recovering damages when use was made of his invention without any licence from him. The onus was put upon the patentee, and he thought that the possible result would be that the patentee would be subjected to great hardship. The result of the clause might very often be that the man who could more easily afford to lose would make a profit to which he was not entitled, at the expense of the man who ought to make the profit.

MR. BOWLES (Lambeth, Norwood) said he could not believe that the President of the Board of Trade was going to press this clause, which must press most hardly on the great majority of patentees. The great majority of patentees at the present time were not working in accordance with this section. That was to say, they did not mark the patent with the date of patent and the number. If this clause were passed every one of the patents now in existence would be at the mercy of anyone who chose to infringe them. If the person did not know or it could not be proved that he knew that he was infringing a patent, he thought it would be a most improper thing to proceed with a clause like this with so attenuated a House. The right hon. Gentlemen could not really have contemplated the results of this clause, and, therefore, under the circumstances, he hoped he would give more time to its consideration with the view to safeguarding existing patents.

MR. GORDON (Londonderry, S.) said he could not see any means by which the purchaser of an infringement of a patent could know that it was an infringement, and if this clause were accepted he would be allowed to go scot free until the patentee had found him out. He suggested that the right hon. Gentlemen ought not to open the door to frauds of that kind.

MR. BERRIDGE (Warwick and Leamington) said that if the clause was passed in its present form the very remarkable result would follow that a premium would be given to people to go about infringing patents without caring whether they were doing so or not.

Question put.

The House divided:—Ayes, 138; Noes, 34. (Division List No. 399.)

AYES.

Ainsworth, John Stirling
Asquith, Rt. Hn. Herbert Henry
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Barnes, G. N.
Barran, Rowland Hirst

Barry, Redmond J. (Tyrone, N.
Beale, W. P.
Bell, Richard
Benn, W.(T'w'rHamlets,S.Geo.
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Branch, James
Brigg, John
Burns, Rt. Hon. John
Burt, Rt. Hon. Thomas
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clynes, J. R.
Collins, Stephen (Lambeth)
Corbett, C. H (Sussex, E. Grinst'd
Cowan, W. H.
Cox, Harold
Crooks, William
Dalziel, James Henry
Davies, Timothy (Fulham)
Duckworth, James
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W
Fenwick, Charles
Ffrench, Peter
Fuller, John Michael F.
Gladstone, Rt Hn. Herbert John
Gooch, George Peabody
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Haldane, Rt. Hon. Richard B.
Hardy, George A. (Suffolk)
Harvey, A. G. C. (Rochdale)
Hazel, Dr. A. E.
Hazleton, Richard
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.)
Henry, Charles S.
Holden, E. Hopkinson
Horniman, Emslie John
Idris, T. H. W.
Jones, Sir D. Brynmor (Swansea)
Jones, William (Carnarvonshire
Kearley, Hudson E.
Kekewich, Sir George
King, Alfred John (Knutsford)
Laidlaw, Robert
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Lehmann, R. C.
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lupton, Arnold
Macdonald, J. M. (Falkirk B'ghs)
Maclean, Donald
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah (Down, S.
M'Callum, John M.
M'Kenna, Rt. Hon. Reginald
M'Killop, W.
M'Laren, H. D. (Stafford, W.)
Maddison, Frederick
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Massie, J.
Micklem, Nathaniel
Morgan, G. Hay (Cornwall)
Morley, Rt. Hon. John
Morrell, Philip
Morton, Alpheus Cleophas
Nicholls, George
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
O'Grady, J.
Pearce, Robert (Staffs. Leek)
Philipps, Owen C. (Pembroke)
Price, C. E. (Edinb'gh, Central)
Rainy, A. Rolland
Rea, Russell (Gloucester)
Richards, T.F. (Wolverh'mpt'n
Ridsdale, E. A.
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Rowlands, J.
Russell, T. W.
Seddon, J.
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Snowden, P.
Stanger, H. Y.
Strauss, E. A. (Abingdon)
Sutherland, J. E.
Taylor, Austin (East Toxteth)
Torrance, Sir A. M.
Ure, Alexander
Verney, F. W.
Walker, H. De R. (Leicester)
Walters, John Tudor
Ward, John (Stoke upon Trent
Waring, Walter
Waterlow, D. S.
White, George (Norfolk)
White, J. D. (Dumbartonshire)
White, Luke (York, E. R.)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax)
Whittaker, Sir Thomas Palmer
Williams, Llewelyn (Carmarthn
Wilson, Henry J. (York, W.R.)
Wilson, J. H. (Middlesbrough)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Yoxall, James Henry

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Astbury, John Meir
Balcarres, Lord
Beach, Hn. Michael Hugh Hicks
Berridge, T. H. D.
Bowles, G. Stewart
Boyle, Sir Edward
Brunner, J. F. L. (Lancs., Leigh)
Cavendish, Rt. Hn. Victor C. W.
Cecil, Lord John P. Joicey-
Chamberlain, Rt Hn. J. A. (Worc
Chaplin, Rt. Hon. Henry
Corbett, T. L. (Down, North)
Douglas, Rt. Hon. A. Akers-
Fell, Arthur
Forster, Henry William
Gordon, J.
Harrison-Broadley, H. B.
Hunt, Rowland
Meysey-Thompson, E. C.
Mildmay, Francis Bingham
Moore, William
Morpeth, Viscount
Napier, T. B.
Nicholson, W. G. (Petersfield)
Nield, Herbert
Radford, G. H.
Rawlinson, John Frederick Peel
Scott, Sir S. (Marylebone, W.)
Sloan, Thomas Henry
Staveley-Hill, Henry (Staff'sh.
Talbot, Lord E. (Chichester)
Thomson, W. Mitchell- (Lanark)
Valentia, Viscount
Younger, George

TELLERS FOR THE NOES—Lord Robert Cecil and Mr. Cave.

MR. RAWLINSON (Cambridge University) said that he desired to amend the clause by inserting after the word "infringement" the words "of a patent granted after the passing of this Act," the object being to exclude patents now in existence.

Amendment proposed to the proposed clause—

"In line 1, after the word 'infringement,' do insert the words 'of a patent granted after the passing of this Act.'"—(*Mr. Rawlinson*).

Question proposed, "That those words be there inserted."

MR. LLOYD-GEORGE: I accept that.

Question put, and agreed to.

MR. RAWLINSON said he had a further Amendment, the object of which was to get over the difficulty which was present in all infringement cases showing that a man had knowledge of the fact that he was infringing a patent. The object of the Amendment was perfectly simple. He begged to move.

Amendment proposed to the proposed clause—

"In line 4, after the words 'where he is not aware,' to insert the words 'or had reasonable means of making himself aware.'"—(*Mr. Rawlinson.*)

Question proposed, "That those words be there inserted."

MR. LLOYD-GEORGE said he could not accept these words as he was not quite sure that the form of words was the best that could be found for the purpose, but he would accept the Amendment in substance and would either accept these words or find alternative words which effected the same purpose.

Proposed clause, as amended, added to the Bill.

The following Amendments were proposed and agreed to without discussion.

"In page 1, line 15, after the word 'devolve,' to insert the words 'on his personal representatives.'"—(*Mr. Lloyd-George.*)

"In page 2, line 8, to leave out from the word 'the' to the word 'principal,' in line 10."—(*Mr. Cave.*)

"In page 2, lines 13 and 14, to leave out the words 'required by the Comptroller' and to insert the words 'in any particular case the Comptroller considers it desirable so to require.'"

"In page 2, line 16, to leave out the words 'applicants have,' and to insert the words 'applicant has.'"

"In page 2, line 18, to leave out the word 'have' and to insert the word 'has.'"

"In page 2, line 20, after the word 'inventions,' to insert the words 'are such as to constitute a single invention and.'"—(*Mr. Lloyd-George.*)

"In page 2, line 32, after the word 'on,' to insert the words 'or modification of.'"—(*Mr. Astbury.*)

"In page 3, line 14, after the word 'an,' to insert the word 'extended.'"

"In page 3, line 36, after the word 'wholly,' to insert the words 'and specifically.'"

"In page 3, line 36, to leave out the words 'or described.'"—(*Mr. Lloyd-George.*)

"In page 4, line 28, to leave out the word 'for' and to insert the words 'after.'"

"In page 4, line 30, to leave out the word 'substituted' and to insert the word 'added.'"

"In page 4, line 30, after the word 'words,' to insert the word 'or.'"

"In page 4, line 31, to leave out the words 'described or' and to insert the words 'wholly and specifically.'"—(*Mr. Cave.*)

Amendment proposed to the Bill—

"In page 4, line 33, after the word 'opposed,' to insert 'being a specification deposited pursuant to an application made fifty years or less before the date of the application for such last-mentioned patent, or has been described in any such specification published before the date of the application.'"—(*Mr. Lloyd-George.*)

Question proposed, "That those words be there inserted."

MR. CAVE thought there had been some oversight in connection with this Amendment. He had had the advantage of a conversation with the right hon. Gentleman, and he understood him to drop entirely the power of the controller to deal with the position of patents thus described.

MR. LLOYD-GEORGE said it was an oversight. He was quite willing his Amendment should end with the words "last-mentioned patent."

MR. J. WARD (Stoke-on-Trent) hoped the right hon. Gentleman was not going to give away the whole purport of the Bill in order to get it through that afternoon. These matters were very fully discussed in detail in Committee, and he was surprised to find that things agreed to were now in the final stages being abandoned. It looked to him as though they were losing the best part of the Bill.

MR. LLOYD-GEORGE assured the hon. Member there was nothing vital in the words he was omitting.

Amendment, by leave, withdrawn.

Amendment proposed, and agreed to without discussion—

"In page 4, line 33, after the word 'opposed,' to insert the words 'by a specification deposited pursuant to an application made fifty years or less before the date of the application for such last-mentioned patent.' "—(*Mr. Lloyd-George.*)

"In page 4, line 33, after the word 'opposed,' to insert the words 'or described in any specification which has been published before the date of such application.' "—(*Mr. Astbury.*)

"In page 4, line 33, to leave out from the word 'opposed' to the word 'or' in line 35." —(*Mr. Cave.*)

"In page 4, line 39, to leave out subsection (2)."—(*Mr. Cave.*)

"In page 5, lines 15 and 16, to leave out the words 'eight or section nine of the principal Act,' and to insert the words 'three of the Patents, Designs, and Trade Marks Amendment Act, 1885."

"In page 5, line 24, to leave out the words 'or the comptroller.' "—(*Mr. Lloyd-George.*)

Amendment proposed to the Bill.

"In page 5, line 25, to leave out the words 'or the comptroller.' "—(*Mr. Lloyd-Gorge.*)

MR. J. WARD said he must protest against striking out the words "o the comptroller." He remembered that in Committee there was a discussion of nearly three hours on these very words.

MR. LLOYD-GEORGE said this was not the clause to which the hon. Member was referring, and when they reached that clause he would adhere to the words relating to the Comptroller. In this instance the omission of the words was purely a drafting matter. He was told by the draftsman that to retain the words would make interpretation of the clause difficult, and it was necessary to leave them out.

MR. J. WARD: I hope I can trust you.

Amendment agreed to.

MR. CAVE moved to leave out Clause 14, which, he said, operated very hardly on a patentee who, having got capital and plant together, and having a fair prospect of getting some profit out of his patent, might find himself, at any time within four years, in the position of having to defend his patent at very great expense indeed. Of course, if the opponent lost he might have to pay the costs, but in many cases the patentee was not a wealthy man, and would rather surrender his patent and climb down, possibly on terms, than run the risk of very heavy litigation. He did not think that was right or wise. He thought it far better to act on the English principle that a patent once granted was good unless it was held bad in an action specially framed for that purpose, and that this important power of revocation should be exercised, not by the Comptroller, but only by a Court of law. Questions of patents raised points of very great technical difficulty which taxed the capacity of even the Judges for the High Court; and, with the greatest respect, he thought the duty of revocation ought not to be left to the Comptroller. The House ought to be very careful about interference with the rules designed for the protection of inventors, on whom a great part of the industries of the country depended.

MR. STAVELEY-HILL seconded the Amendment.

*MR. SPEAKER: I will first of all put the question to omit the first line and a half of the clause, and if both sides agree upon that, then I will put the whole clause.

Amendment proposed—

"In page 5, line 39, to leave out from the beginning to the word 'any' in line 40.'

Question put, and agreed to.

Amendment proposed—

"In page 5, line 40, to leave out from the word any' to the end of the clause."—(*Mr. Cave.*)

Question proposed, "That the word 'any' stand part of the Bill."

*MR. LLOYD-GEORGE said this was a matter which had been very carefully considered, the clause having no doubt met with opposition from some quarters. Out of about 17,000 patents granted, a very small percentage really became operative, and a large number were retained on the register simply for the purpose of blocking other perfectly *bona fide* inventions, thoroughly practical, which would serve an excellent purpose if they were patented. What the clause proposed was that there should be a simple procedure for getting rid of these blocking patents, and there were thousands of them simply cumbering the register at present. He was prepared, however, to assent to one or two modifications of the clause, recognising that they must introduce some security into the life of a patent. If a considerable sum of money was spent on buildings and developments, it might be thought rather hard that the patent should be upset simply by a decision of the Comptroller. But anyone who seriously wanted to upset a patent of that kind would not go to the Comptroller under this section, for the simple reason that the ground would be very limited. Any man who wanted to upset a patent would put about twenty or thirty counts into his petition, and would not risk the whole thing on the very narrow ground stated in the section. He was perfectly prepared to accept the Amendment of his hon. friend the Member for Launceston, cutting down the four years to two years. If the hon. Gentleman felt that there was any real danger as to security he did not mind going beyond the Court of First Instance. That would ensure complete protection. He would cut down the limit of time from four years to two, and allow the petitioner to carry an appeal from the Court of First Instance to the Court of Appeal and the House of Lords. These modifications could not be made now, but they might be made in another place.

LORD R. CECIL feared the procedure proposed would very much increase the cost of proceedings in patent actions. He could not himself see the advantage of approaching the matter by way of the Comptroller instead of the Court. Under the present procedure, once they obtained the fiat of the Attorney-General, they could go to the Court and then to the House of Lords.

*MR. LLOYD-GEORGE admitted that this might be the case if the patent was a genuine one, but the object there was to get at patents which were not *bona fide*. In those cases there would be an application before the Comptroller, and there would hardly be any defence at all.

LORD R. CECIL thought that when the parties concerned were rich and foreign pirates, whose object was to ruin their competitors, they would probably carry the case to the highest Court of Appeal. His experience was that these attempts to meet hard cases always put weapons into the hands of the rich, which they used against the poor. He trusted the Amendment would be accepted.

MR. J. WARD (Stoke-on-Trent) hoped the President of the Board of Trade would not concede another point in regard to the clause. A poor patentee if he had a useful patent ought to be able to secure it, although he might not have the financial resources necessary to work it. A rich syndicate might come along and take out a patent for precisely the same mechanism.

LORD R. CECIL: They could not do it.

MR. J. WARD said the Bill pre-supposed that such a thing could be done.

Amendment negatived.

Amendments proposed—

"In page 6, lines 4 and 5, to leave out the words 'a patent may be opposed,' and insert the words 'the patent might have been opposed.'"

"In page 6, line 5, at end, to insert the words 'Provided that when an action for infringement or proceedings for the revocation of the patent are pending in any court, an application under this section shall not be made except with the leave of the Court.'"

"In page 6, line 10, after the word 'application,' to insert the words 'but the Comptroller shall not make an order revoking the patent unless the circumstances are such as would have justified him in refusing to grant the patent had the proceedings been proceedings in an opposition to the grant of a patent.'"—(*Mr. Lloyd-George.*)

Amendments agreed to.

Amendment proposed to the Bill—

"In page 6, line 10, at end to insert the words '(3) On the hearing of such petition the Comptroller and Court shall have the same powers of requiring amendment of specification, and shall be guided in their decision by the same principle as in the case of an opposition to the grant of a patent.'"—(*Mr. Radford.*)

Question proposed, "That those words be there inserted."

Mr. LLOYD-GEORGE assured the hon. Member that the words he suggested were not necessary.

Amendment, by leave, withdrawn.

Lord R. CECIL moved to leave out Clause 15. The proposal in this clause with relation to the revocation of patents worked outside the United Kingdom was really a crude form of protection, affording no help to the poor patentee. It would have no advantage at all, except that it would be to some extent protective in its action. He believed the inevitable result would be what always happened when protective measures were resorted to; it would hit those by whom it was imposed. The clause provided—

> "At any time not less than four years after the date of a patent any person may apply to the Comptroller for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the United Kingdom."

In other words, the patentee was to be compelled in the first four years of the patent to make a substantial use of it in the United Kingdom. They were told on the First and Second Reading of the Bill that this clause was directed against the "rich pirate," but he believed that it was the poor man who would be hit, the man who had patented a meritorious invention, and then had difficulty in collecting enough money to start manufacture within the prescribed time. He begged to move.

Mr. NAPIER seconded the Amendment.

Amendment proposed to the Bill—

> "In page 5, line 19, to leave out Clause 15."—(*Lord R. Cecil.*)

Question proposed, "That the words 'At any time not less than four years after the date of a patent,' stand part of the Bill."

Mr. LLOYD-GEORGE said that the clause was the pith of the Bill. He pointed out that in many instances the privilege granted by the Crown in respect of patent rights, instead of being used to start British industries, was used to prevent other persons from establishing industries in the United Kingdom, causing thereby an increased cost in the production. This clause, indeed, was purely in the interests of free trade, freedom of commerce, and industrial freedom.

Mr. BOWLES expressed the hope that what had fallen from the right hon. Gentleman would have the effect of converting some of his own friends to join in the opposition to a clause which restricted to one country in the world the operations of a man who had secured a patent. [Cries of "No."] That was his interpretation of the clause. The right hon. Gentleman had the courage to tell the House that, instead of restricting, it increased a man's freedom. It was quite clear that the effect of the clause, so far as it had any effect at all, would be protective. There were other objections to the clause, but for that one alone he thought it ought to be rejected.

Lord R. CECIL asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Amendment proposed to the Bill—

> "In page 6, line 20, after the word 'patent,' to insert the words 'granted after the commencement of this Act, and in case of a patent previously granted at any time not less than four years after the date of such patent and two years after the commencement of this Act.'"—(*Mr. Astbury.*)

Question, "That those words be here inserted," put, and agreed to.

***Mr. G. CROYDON MARKS** (Cornwall, Launceston) moved to add to the clause the words, "for meeting or supplying a continuous demand existing for such patented article or process in the United Kingdom." The object of the Amendment was to protect a patentee who might manufacture the article in America or Germany when there was a demand for it there, though during the first four years of the patent there might be no demand for the article in this country. Was a man to lose his rights in the patent in this country because he did not manufacture the article here at a time when there was no demand for it? He held that it would not be fair to the patentee to deprive him of his rights in that way. Germany was about to alter her laws in regard to compulsory working of the patent in Germany, and France also was going to take the step of not compelling the working of a patented article in France. But why should we cut off the patentee's right in his patent after four years, because there was no demand for the patented article or process in the United Kingdom? Let them take the case of machinery for operating on fibre, such as jute. At present that process was carried on in India, but why should a patentee lose his patent at the end of four years because there was no continuous demand for the article here? A new fibre might be discovered in this country, such as from cabbage leaves, which might be treated with the patent machinery here, but a man should not be compelled to manufacture it until there was a known demand for it. He begged to move.

LORD BALCARRES seconded the Amendment. He said he was very much interested in those processes which would be seriously affected by the Bill as it stood, and representations had been made to him by manufacturers against the clause. Under the clause as it stood, wealthy foreign syndicates would have a right to keep their patents alive here. The Comptroller had got to decide whether a process was mainly carried out inside or outside the United Kingdom; but there might be some articles, such as those made of steel, which involved twenty or thirty different patented processes. The duties imposed on the Comptroller were already extremely difficult without his having to decide whether there was a continuous demand for a certain patented article or process in this country. The scheme of the Amendment was one which ought to receive attention.

Amendment proposed to the Bill—

"In page 6, line 23, after the word 'Kingdom,' to insert the words 'for meeting or supplying a continuous demand existing for such patented article or process in the United Kingdom.'"—(*Mr. Croydon Marks.*)

Question proposed, "That those words be there inserted."

MR. LLOYD-GEORGE said that it had been asked why if there was no demand in this country for a certain patented article, should anyone go to the expense of setting up workshops for the manufacture of the article? But, after all, this was a great exporting country, and it was our interest to manufacture for the whole world, and a patent might be wanted here for some article which was used for export purposes. From any point of view he could not accept the Amendment.

*MR. BARNES said that if the right hon. Gentleman considered this matter, he would see that it really cut to the root of the question, and defeated the object for which the Bill had been introduced. The hon. Member for Launceston had mentioned the jute industry, but that industry was started in this country, and a large number of manufacturers who had exploited the industry here now took advantage of the cheap labour in India, and manufactured the jute there.

*MR. G. CROYDON MARKS asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

MR. RAWLINSON moved to insert at the end of Clause 15 the words 'or His Majesty's dominions beyond the seas.'" He took it that the object of the Bill was to prevent a man taking out a patent in England and then manufacturing that article in France or Germany because he could get cheaper labour there. He put it that if the patent were to be kept alive in England it should be worked in England for the benefit of British workmen; and he thought that a similar advantage should be extended to the Colonies so as to give the Colonies a certain preference. With that object he ventured to press this Amendment upon the House. It did not establish protection or Colonial preference, but it gave the Colonies some sort of preference.

MR. NAPIER seconded the Amendment on the ground that it would, he thought, not give a preference at all, but would slightly limit the protectionist character of the clause. It would, at all events, enlarge the area from which the people of this country would be entitled, possibly, to buy patented articles.

Amendment proposed to the Bill—

"In page 6, line 23, at the end, to insert the words 'or His Majesty's dominions beyond the seas.'"—(*Mr. Rawlinson.*)

Question proposed, "That those words be there inserted in the Bill."

Mr. LLOYD-GEORGE expressed his utter amazement that the hon. and learned Gentleman should play so absolutely into the hands of his foes. Did he realise that this would give immunity to American patents? All that would have to be done would be to set up a factory across the border, in Canada, and every American industry would instantly be contracted out of the clause. Did he also know that in Canada there was a compulsory working law? That operated against the British patent and the American patent, and the Americans were obliged to set up factories in Canada, and they had done it. He could not conceive anything more dangerous than the inclusion of this Amendment, which would cut out instantly every American patent. The acceptance of the Amendment would make the clause absolutely futile. He hoped the hon. and learned Gentleman would strengthen his hands by withdrawing his Amendment.

Lord R. CECIL said the speech made by the right hon. Gentleman was too striking for him not to say a word or two in reply. The right hon. Gentleman was an advocate of free trade, and he as one who was in favour of promoting the free exchange of commodities practically said to his hon. friend if he pressed the Amendment it would destroy the whole protective effect of this clause. The House would observe how the right hon. Gentleman adopted the whole of his friend's argument. As to the argument against cheap labour, it was rather an old friend, and was directed against unfair competition. They did not want protection to bolster up industries, but it was needed to prevent unfair competition. He should support this Amendment.

Mr. J. WARD said he fancied he had heard all these speeches before. He had heard them in the Committee, and he thought they were dealt with very effectively then. He did not understand that there was any protection in the policy proposed. What was suggested was that when we were creating a monopoly and when the article was manufactured the products of the monopoly should not be protected in this country under the patent laws. If the article could be produced more cheaply in other countries, then it would not be produced in this country, but they wished to provide that our fellow countrymen would not be prevented from competing if it could be produced here. They were not applying a protective tax, but it was an extension of free trade, as it gave our people the opportunity of making these things if they could make them. If they could not the modification of the Patent Law would not affect the matter.

Mr. HILLS (Durham) supported the proposal of the Board of Trade. The Amendment looked attractive at first sight, but we could not treat the Empire as one until it was one in reality. The objection to cheap labour was a very important one, and, although at first sight he was inclined to look with favour on the Amendment, he thought on consideration it was a bad one.

Mr. RAWLINSON said that after the very able speech of the right hon. Gentleman and the sound principles which he had enunciaated, he would ask leave to withdraw the Amendment, as he felt the country was safe in the right hon. Gentleman's hands on this point.

Amendment, by leave, withdrawn.

The following Amendments were proposed and agreed to without discussion—

"In page 7, line 25, after the word 'manufacture,' to insert the words 'and supply.'"—(*Sir M. Levy.*)

"In page 7, line 25, after the word 'article,' to insert the words 'or any parts thereof which are necessary for its efficient working on reasonable terms.'"—(*Sir M. Levy.*)

"In page 7, line 26, after the word 'extent,' to insert the words 'in the United Kingdom,'"—(*Mr. Astbury.*)

"In page 7, line 27, after the word 'existing,' to insert the words 'trade or.'" — (*Mr. Astbury.*)

"In page 7, line 28, after the word 'new,' to insert the words 'trade or.'"—(*Mr. Astbury.*)

Mr. CAVE moved an Amendment to prevent Sub section (*b*) of Clause

16 being retrospective. This sub-section provided that the reasonable requirements of the country shall not be deemed to have been satisfied if any trade or industry in the United Kingdom is unfairly prejudiced by the conditions attached to the purchase, hire, or use of the patented article or to using or working the patented process by virtue of any contract with the patentee "whether" made before "or after" the passing of the Act. The hon. Member said he also intended to move to leave out the words "or after" so as to restrict the sub-section to a contract made before the passing of the Bill. Unless this were done, they would make a man pay a penalty for something which was perfectly legal before the passing of this measure.

LORD R. CECIL seconded the Amendment.

Amendment proposed to the Bill—

"In page 7, line 38, to leave out the word 'whether,'"—(*Mr. Cave.*)

Question proposed, "That the word 'whether' stand part of the Bill."

MR. LLOYD-GEORGE hoped the hon. Member would not press this Amendment, as full provision was made for compensation later on in the Bill.

Amendment negatived.

Amendment proposed to the Bill—

"In page 9, line 13, to leave out from the first word 'and,' and to insert the words 'After the expiration of the prescribed period the comptroller.'"—(*Mr. Lloyd-George.*)

Amendment agreed to.

Amendment proposed—

"In page 9, line 14, to leave out the words 'law officer,' and to insert the word 'Court.'"—(*Mr. Lloyd-George.*)

Question proposed, "That the word 'law officer' stand part of the Bill."

MR. RAWLINSON asked whether if they carried this it would affect the discussion of the Amendment which he had placed upon the Paper to leave out Sub-section 1 of Clause 26.

MR. LLOYD-GEORGE said he was told that it would not affect such a discussion.

LORD R. CECIL asked whether the right hon. Gentleman intended to go any further to-night having regard to the fact that they were now approaching the discussion of Clause 23, which was a most contentious clause, or whether the right hon. Gentleman proposed when this Amendment was agreed to to defer the discussion of Clause 23 to another day.

MR. LLOYD-GEORGE said it was not late, and there were many Members now in the House who desired to discuss Clause 23 who might not be present on another occasion, and he therefore thought they might be allowed to go on.

Amendment agreed to.

Amendment proposed—

"In page 9, lines 15 and 16, to leave out the words 'of the Comptroller.'"—(*Mr. Astbury.*)

Amendment agreed to.

MR. CAVE moved the omission of Clause 23, which, he said, avoided certain conditions which were now freely entered into between patentees and business men. The boot trade was quoted as a burning example in favour of this claim, and it was said that there were cases when the right to use a patent connected with the manufacture of boots had been refused except upon conditions that the licensee should use it for all boots which he might manufacture. But he believed that in spite of this condition the licensee had in fact made substantial profits. He knew it was said that the right had been abused. But where business men had found this particular mode of dealing most convenient—both parties to the bargain entering into it with knowledge of what they were about—it was a great mistake for Parliament to intervene and say it should be void. Apart from that, the clause was retrospective and avoided existing contracts. There was a compensation provision, but no compensation would make up for the avoidance of a contract entered into in the ordinary course of business and upon the faith of which important arrangements might have been made. By Sub-section (5) the insertion by the patentee in a contract made after the passing of this Act of any condition which by virtue of the clause was null and void was made a ground on which the patent might be revoked. Even if the principle of the clause was assumed to be right, it was wrong to go so far as to say that if a man, by inadvertence, inserted one of these conditions in a contract with A he should be unable to sue B for some flagrant infringement of the patent. That was a monstrous penalty to impose on a contractor. The purpose of the clause was to a great extent already met by Clause 16. The whole of Clause 23 was very objectionable, and he strongly held the view that there should be no attempt to deal with the mischief which was said to exist in the drastic way proposed.

MR. STAVELEY-HILL seconded the Amendment. He trusted that the President of the Board of Trade would look at this clause in the light in which it was regarded by many in the country. In the legal profession there was a common saying that "hard cases made bad law." He thought, although this clause was directed to meeitng hard cases, it would establish a very bad principle in English law. If it remained in the Bill it would constitute an interference with the freedom of contract between people who were quite able to conduct their business in their own way. They were not here legislating for children or minors but for grown persons who knew their own mind and were able to conduct their own affairs. Not only would it interfere with freedom of contract but in some trades would bring about a state of things which would inflict great injustice on patentees. It would also act "in restraint of trade." Therefore he hoped if the right hon. Gentleman was not prepared to acept the Motion of his hon. friend he would at least consider whether the clause could not be modified.

Amendment proposed to the Bill—

"In page 9, line 21, to leave out Clause 23."—(*Mr. Cave.*)

Question proposed, "That the words proposed to be left out, to the word 'any,' in page 2, line 22, stand part of the Bill."

MR. GEORGE WHITE (Norfolk, N.W.) said he would not have asked the Government to pass a general law affecting the commercial interests of the country merely because the existing law pressed hardly upon a small industry, but they must judge of the necessity for a change in the law by the magnitude of the industry if it were so affected from the consequences of it, whether they were serious or not. There was a trade with which he was connected and which had grave complaint against the existing law. It was a large industry, and so far as machinery was concerned was practically in the hands of a syndicate which had attained its power in a way which would be prevented in the future if this clause was retained in the Bill and became law. Seven or eight years ago the machinery of this trade was largely supplied by the United Machinery Company. That company was bought up by an American syndicate, and in addition to buying the machines which the company provided, it took care to buy up also such other machines as it conceived were absolutely necessary to the carrying on of the business. Consequently it became possessed of a monopoly, and upon the basis of that monopoly altered the conditions upon which the machinery could be obtained by this industry and made them of a very restrictive and tyrannical nature. A large part of the trade were not free agents in the matter at all. He himself was free from these contracts, because the firm with which he was connected obtained the bulk of its machines before the American syndicate established its monopoly. These leases extended the term of the patent to twenty years, and so got round the Patent Act, and they made additions to the machines, each addition extending the term of the lease, and thus the whole thing became a perpetual burden on the manufacturer. Three-fourths of the boot manufacturers of the country were unable to take up any other machines than those supplied by the syndicate. Very grave injustice was thus done to the whole industry and it would be largely removed by the passing of this clause.

LORD R. CECIL said that the fundamental idea of the patent laws was to give the inventor a monopoly, in order to encourage inventions. A patentee might exact any terms he liked Anyone might reject his machines, but no one did, because even with the restrictions placed by him on their use it was more profitable to use them. It was argued that the contracts of the syndicate referred to by the last speaker involved a restraint of trade which was against public policy; but that doctrine had been so relaxed that it was now almost impossible to frame a contract which would be pronounced against public policy on that ground. It was held now that it was more in the interest of public policy that grown free men should be allowed to make what contracts they chose amongst themselves. That was the danger which attached to this clause. It was extremely widely drawn; it was devised to deal with one particular case, and one case only, for he did not know of any other case of a like nature. Under this clause if there were put into an agreement any provision that the purchaser was only to use the patentee's article the agreement was void. One could see at once how very hardly that might bear in particular cases. A man might have acquired a reputation for a particular kind of goods produced by a particular kind of machinery, and he might sell his machine to a comparatively ignorant user on the terms that he should use it and none other. He could imagine many cases in which a perfectly reasonable provision of that kind might be made which would do no harm to anyone, even in the view of the hon. Member for Norfolk, and to say in the particular terms which this clause laid down that all such conditions and agreements were to be void was a somewhat dangerous form of legislation. Here was a hard case, and something must be done to settle it, and they did the something, and found out afterwards that it in itself was something very hard. He was satisfied that this clause, if accepted, would do the greatest possible injury to the industries of this country, and he, therefore, asked the President of the Board of Trade not to insist upon it.

MR. LLOYD-GEORGE said he did not propose to enter very fully into this question, not because it was late in the session or late in the evening, but because they had dealt with it twice already very exhaustively. There had been a very considerable discussion on it on Second Reading, and he specially drew attention to this clause when he introduced the Bill. There was also a full discussion upstairs, where two days were entirely devoted to the clause. The noble Lord was not present on the first occasion, but he did not make that a cause of complaint, though he must be excused from again entering extensively into the question. His hon. friend had gone a little further by explaining one special case which had lately precipitated the action of the Legislature in this matter. If a privilege were abused, surely the Legislature which granted that privilege had a right to come in and say the limits which were allowed when the monopoly was granted were being exceeded. This was a case in which for the first time they saw in their sheer nakedness the methods of the American trusts. The noble Lord had argued a good deal about general principles as to trade, and he did not disagree with the principles he had laid down. He absolutely agreed with the noble Lord about the fulfilling of contracts and as to men of mature judgment exercising caution. That was the only way to develop a manly action. But this was not a case in which they had two traders on equal terms to begin with. This was a case in which one man had a monopoly which the community had given him, and the other man was left without any defence at all. The boot industry in this country was practically compelled to take a certain machine. Those engaged in the industry were good business men and well able to hold their own in competition, but they were really obliged to sign a contract, and a more monstrous contract had never been submitted to an industry. Did the noble Lord realise the extent of one of the clauses which was inserted in the contract? It compelled the use of this particular machine and no other. Supposing there was another patent, either British or foreign, which revolutionised the trade as completely as this one did, and which it was just as necessary for the boot industry to utilise, nine-tenths of the industry would not be able to use the new machine for twenty years to begin with. That was not all. If an improvement of the invention for which a contract had been entered into was taken up at the end of nineteen years, the trade was bound to take the improvement and the lease was renewed for another twenty years. At the end of another nineteen years there might be another improvement and the boot industry would have to take that up for a further period. There was nothing in the contract to prevent a series of slight improvements which might be invented, enabling an equal number of extensions of the lease of its exclusive use to be made, conceivably obliging the boot trade to continue using the same machine for 300 years. The industry could not survive it, and the Legislature was, therefore, bound to interfere in the general interest, not to protect individual bootmakers who had entered into a bad bargain, but in order to protect a very powerful industry, and to say that this country really could not stand the use of a privilege conferred by the Crown for the purpose of hampering a whole trade. The American Legislature had found it necessary to introduce a provision of this kind, and he knew of no country under the sun which would tolerate this kind of thing. In Canada, he believed, it had been held by the judges to be a contract in restraint of trade. The Judges, no doubt, here held it was not in the ordinary sense such a contract; but, at any rate, the Legislature ought to come in and say that it was very prejudicial to the trade of the country. He therefore proposed this clause. There were one or two modifications which would be proposed later on.

Question put.

The House divided:—Ayes, 79; Noes, 13. (Division List No. 400.)

AYES.

Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Barnes, G. N.
Bell, Richard
Benn, W.(T'w'rHamlets,S.Geo.
Berridge, T. H. D.
Bowerman, C. W.
Branch, James
Brigg, John
Burns, Rt. Hon. John
Burt, Rt. Hon. Thomas
Byles, William Pollard
Carr-Gomm, H. W.
Clarke, C. Goddard (Peckham)
Corbett, CH(Sussex, E. Grinst'd
Cornwall, Sir Edwin A.
Cowan, W. H.
Craig, Herbert J. (Tynemouth)
Cremer, Sir William Randal
Crooks, William
Davies, Timothy (Fulham)
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Elibank, Master of
Essex, R. W.
Fenwick, Charles
Ffrench, Peter
Findlay, Alexander
Fuller, John Michael F.
Gooch, George Peabody
Hardy, George A. (Suffolk)
Harvey, A. G. C. (Rochdale)
Hazleton, Richard
Henderson, Arthur (Durham)
Henry, Charles S.
Idris, T. H. W.
Jones, William (Carnarvonshire
Kearley, Hudson E.
Kekewich, Sir George
King, Alfred John (Knutsford)
Lambert, George
Lehmann, R. C.
Lloyd-George, Rt. Hon. David
Lupton, Arnold
Macdonald, J.M. (Falkirk B'ghs
MacVeagh, Jeremiah (Down, S.
M'Callum, John M.
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
Morton, Alpheus Cleophas
Nolan, Joseph
Norton, Capt. Cecil William
Price, C. E. (Edinb'gh, Central)
Ridsdale, E. A.
Robertson, J. M. (Tyneside)
Rowlands, J.
Russell, T. W.
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Torrance, Sir A. M.
Verney, F. W.
Walker, H. De R. (Leicester)
Walters, John Tudor
Ward, John (Stoke upon Trent)
Waring, Walter
Waterlow, D. S.
White, George (Norfolk)
White, J. D. (Dumbartonshire)
White, Luke (York, E.R.)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax)
Wills, Arthur Walters
Wilson, Henry J. (York, W.R.)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Astbury, John Meir
Bowles, G. Stewart
Brunner, J. F. L. (Lancs., Leigh)
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Corbett, T. L. (Down, North)
Gordon, J.
Harrison-Broadley, H. B.
Marks, G. Croydon (Launceston)
Napier, T. B.
Nield, Herbert
Radford, G. H.
Rawlinson, Jn. Frederick Peel

TELLERS FOR THE NOES—Mr. Cave and Mr. Staveley-Hill.

Bill, as amended (by the Standing Committee), to be further considered upon Monday next.

ADJOURNMENT.

Motion made, and Question, "That this House do now adjourn,"—(*Mr. Whiteley*,)—put, and agreed to.

Adjourned at a quarter before Nine o'clock till Monday next.

Mr. Lloyd-George.

HOUSE OF LORDS.

Monday, 12th August, 1907.

PRIVATE BILL BUSINESS.

The LORD CHANCELLOR acquainted the House, That the Clerk of the Parliaments had laid upon the Table the Certificate from the Examiners that the further Standing Orders applicable to the following Bill have been complied with:—Metropolitan Water Board (Charges, etc.)

The same was ordered to lie on the Table.

STANDING ORDERS COMMITTEE.

Report from, that the Standing Orders not complied with in respect of the Amendments made by the Committee of this House to the Armagh Urban District Council Bill ought not to be dispensed with, but that the Bill should be allowed to proceed provided that the words "continue to hold his said office until he die or resign or be removed by the council with the assent of the Board" be struck out of Clause 49A. The said Report to be considered to-morrow.

Alexandra (Newport and South Wales) Docks and Railway (General Powers) Bill.—Reported from the Select Committee, with Amendments.

Neath, Pontardawe, and Brynaman Railway Bill.—Read 3^a, and passed.

North Staffordshire Railway Bill.—Read 3^a, with the Amendments, and passed, and returned to the Commons.

City of London (Union of Parishes) Bill [H.L.].—Returned from the Commons agreed to, with Amendments. The said Amendments considered, and agreed to.

Swansea Harbour Bill.—Returned from the Commons with the Amendments agreed to.

PETITIONS.

SMALL LANDHOLDERS (SCOTLAND) BILL.

*LORD BALFOUR OF BURLEIGH: My Lords, I desire to present a petition against the Small Landholders (Scotland) Bill from a meeting of agriculturists held in Edinburgh on 8th July. At the same time I beg to give notice that, on the Motion for the Second Reading of the Bill to-morrow, I propose to move, "That this House, while anxious to encourage the formation of small holdings under reasonable conditions and to consider favourably such fair Amendment of the Acts relating to the tenure of crofter holdings as experience may have shown to be necessary, deprecates the indiscriminate and universal extension of the crofting system; sees no justification for establishing in Scotland a Land Court on the Irish model; and declines to proceed with a Bill which introduces into the agricultural districts of Scotland the evils which are inseparable from any system of divided ownership in land."

An Asterisk (*) at the commencement of a Speech indicates revision by the Member.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Petitions against: Of North-East of Scotland Land Defence Association; Subscribers in the County of Ayr; Meeting at Kelsoe; Meeting at Corn Exchange, Edinburgh; Peebleshire Land Defence Association; Scottish Chamber of Agriculture and Associated Societies; Read, and ordered to lie on the Table.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Petition in favour of: Of crofters, tradesmen, feuars, and cottars in Eastern District of Ross and Cromarty; read, and ordered to lie on the Table.

MERCHANT SHIPPING (TONNAGE DEDUCTION FOR PROPELLING POWER) BILL.

Petition to be heard by Counsel for amendment of: Of Alexandra (Newport and South Wales) Docks and Railway Company; read, and ordered to lie on the Table.

BUTTER AND MARGARINE BILL.

Petitions to be heard by Counsel for amendment of: Of Pontypool and District Master Bakers,' Millers,' and

Grocers' Association; Hertford, Ware, Hoddesdon, and District Grocers' Association; Chester Grocers' and Provision Dealers' Association; Lisburn Grocers' Association; Wellingborough Grocers' Association; read, and ordered to lie on the Table.

RETURNS, REPORTS, ETC.

TRANSVAAL.

Transvaal Loan Act, 1907, with papers respecting the finances of the Colony.

CROFTERS' HOLDINGS (SCOTLAND) ACTS.

Copy of the Crofters' Holdings (Scotland) Acts indicating the extensions and Amendments thereof proposed by the Small Landholders (Scotland) Bill as amended by the Standing Committee on Scottish Bills and on Report: Ordered to be laid before the House. (The Lord Hamilton of Dazell).

TRAMWAY ORDERS.

Report by the Board of Trade of their proceedings under the Tramways Act 1870, during the Session of 1907.

IMPERIAL INSTITUTE (INDIAN SECTION).

Annual Report for the year 1906–1907.

TRADE REPORTS (ANNUAL SERIES).

No. 3891. France (Havre).
No. 3892. Morocco (Dar-al-Baida).
No. 3893. Morocco (Tangier).
No. 3894. Netherlands (Curaçoa).
No. 3895. Japan (Nagasaki).
No. 3896. Japan.

MERCHANT SHIPPING ACTS, 1894 TO 1906.

Return of all British and Foreign ships ordered by the Board of Trade, or its officers, during the period from 1st July, 1906, to 30th June, 1907, to be provisonally detained as unsafe (in continuation of Parliamentary Paper [Cd. 3138.]).

Presented (by Command), and ordered to lie on the Table.

SUPERANNUATION (TREASURY MINUTES).

Dated 6th August, 1907, granting a retired allowance to James Trotman Dean, Chief Clerk, Engineer-in-Chief's Department, Post Office, under Section 2 of the Superannuation Act, 1887.

Dated 7th August, 1907 declaring that John Crabtree, steam-hammer driver, Royal Gun Factory, War Office, was appointed without a civil service certificate through inadvertance on the part of the head of his department.

SUPREME COURT OF JUDICATURE.

Account of the receipts and expenditure of the Paymaster-General on behalf of the Supreme Court of Judicature in respect of the funds of suitors of the court in the year ended 28th February, 1907; also account of the National Debt Commissioners for the same period in respect of funds held by them on behalf of the Supreme Court of Judicature, together with the Report of the Comptroller and Auditor-General thereon.

Laid before the House (pursuant to Act), and ordered to lie on the Table.

SCOTTISH BOARD OF AGRICULTURE.

THE EARL OF CAMPERDOWN: My Lords, seeing the noble Lord who represents the Scottish Office in his place, I wish to ask him a question of which I have given him private notice, namely, whether he can give the House the number of petitions, with the names of the parties petitioning, which have been received by the Scottish Office in favour of the establishment of a separate Board of Agricultural Commissioners for Scotland, and the number of petitions which have been lodged against it.

LORD HAMILTON OF DALZELL: My Lords, the noble Earl has not given very long notice of this question, and I have come here with all the information I have been able to obtain on the subject. I cannot find that there are any petitions; but a limited number of resolutions have been forwarded to the Scottish Office, five of which are against the proposed transfer of powers and two in favour. The resolutions against the proposed transfer are from the Scottish Chamber of Agriculture, the Highland and Agricultural Society, the Renfrewshire Agricultural Society, the County Council of Ross and Cromarty, and the Association of County Councils; and those in favour are from the Fenwick Farmers' Society and the Glasgow Local Authority, being the executive under the Diseases of Animals Act.

EVICTED TENANTS (IRELAND) BILL.

House again in Committee (according to Order).

[The Earl of ONSLOW in the Chair.]

Clause 2:—

Debate resumed on following Amendment—

> "In page 3, line 29, after the word 'withdrawn' to insert the words 'the Estate Commissioners or any two of them shall hear and by order determine.'"—(*Lord Atkinson.*)

*THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): My Lords, the Committee will remember that at the close of the sitting on Friday last the noble and learned Lord, Lord Atkinson, made a very clear and complete statement in continuation of the explanation of his group of Amendments to Clauses 1 and 2, all of which are framed with the same object—that is to say, the object of making arrangements for an appeal from the Estates Commissioners in various cases. The general effect of constituting an appeal of the character which the noble and learned Lord desires would be, in the first place, to throw upon the Estates Commissioners the burden of showing that no equally suitable land, apparently in any part of Ireland, could be found as that which they schedule for the purpose of taking over under the Bill; and that, in our opinion, would be a process causing an almost indefinite amount of delay, and one which would throw an unduly heavy burden on the Court of Appeal. Assuming it were decided in favour of the Estates Commissioners that the particular piece of land was necessary for their purpose, they would then have to proceed to negotiations on the question of value, again subject to a further appeal before the Court constituted by the noble and learned Lord's Amendment. Then there might be various subsidiary matters of appeal. For instance, I suppose it would be a question of appeal whether the new tenant whom it was proposed to migrate really was a *bona fide* farmer working his farm in a husbandlike manner, according to the Amendment carried last Friday at the instance of the noble Marquess the Leader of the Opposition. Those various proceedings, in our opinion, would cause such an indefinite amount of delay as practically to defeat the objects of this Bill, which I need not repeat, because I have already on more than one occasion stated the view of the Government that this is an exceedingly urgent matter.

Then, in addition to that, the noble and learned Lord provides that this Court of Appeal is to frame its judgments upon the principle of the Lands Clauses Act. Now, on the earlier Amendment I said something on the subject of the Lands Clauses Act, and I do not desire to repeat what I said then; but the point as it appears to me is this: Is it, or is it not, intended to be the invariable practice that sales effected under this Act are to be on a distinctly higher scale than the sales which have been already effected under the Act of 1903, because, if not, the application of the Lands Clauses Act appears to be at any rate unnecessary. So far as sales have proceeded already, or, at any rate, so far as the information which I have been able to get goes, the operations of the Act of 1903 have been as follows: Direct sales have averaged 26·7 years' purchase of second-term rents, and, with the bonus added, rather over twenty-seven and a half years' purchase. If the money so obtained can be invested at 3½ per cent. the effect is that the landowner receives 96 per cent. of the gross rental of his estates. As regards the estates bought by the Commissioners, the average has been 24·1 years' purchase of second-term rents, making, with the bonus added, 26·9 years That sum invested at 3½ per cent. produces 94·1 per cent. of the gross rental of the estate.

*THE EARL OF DONOUGHMORE: Does that include all sales? There are estates that have untenanted land, and land held under first term rents, second term rents, and sometimes other tenures in addition. Are these averages brought out for all sales?

*THE EARL OF CREWE: I am not quite certain how that is. Of course, the majority of transactions have no doubt been second-term rents, but I will inquire exactly how that stands. I think one noble Lord opposite said that 3½ per cent. was a rate of interest which it could hardly be expected would be realised. It was pointed out that 75 per cent. of the land in Ireland was in settlement and therefore only trust investments were available for the purpose; but, as matters now stand, if a vendor should invest his money in Irish Land Stock at the price of that stock quoted in the paper to-day, he would get rather over 3¼ per cent. on his money even in that somewhat despised security. Therefore I ask—I have no doubt some noble Lord opposite will be able to tell us, or the noble and learned Lord himself perhaps may tell us—whether it is intended that the application of the Lands Clauses Act is to involve a distinctly higher rate of purchase than that, because I can only repeat what I said on the first occasion that, if that is so, it will practically be impossible for any transactions to take place. To increase the amount to any extent, owing to the fact that resales cannot be made even on existing terms, would practically tear the Bill in two and make it altogether an impossible measure. I think it was the noble and learned Lord who asked: Was it desired that the landlord should only get the reselling price? Of course not; obviously not. That is not what is intended, because not only is he to get the bonus but he is also to get, if it is necessary to make up the fair price to him, the further bonus which is dealt with under Clause 5.

I pass to the question of the appeal upon value—the principle which, as the Committee will remember, we have admitted to be a not unreasonable one. We think it not unreasonable because, although we do not believe that practical injustice would follow, yet undoubtedly it does appear on the face of it that the Estates Commissioners, if they are not subject to an appeal, are made to be Judges in a case in which they are an interested party, although they are, of course, acting in the public interest and not in their own personal interest. Consequently, we are not averse to the idea of an appeal on value; and the question is what is the best kind of court which can be arranged for this somewhat difficult purpose. The noble and learned Lord, in his Amendment, suggests that a Judge of Assize should sit for this purpose, but, as he very fairly pointed out, as such Judges sit only twice a year, and considerable delay might be caused by the fact that they do not sit oftener, he gives us the alternative of power of application to a Judge of the High Court, and he reminded the Committee that Section 24 of the Act of 1870 involved a similar provision. That, no doubt, is a precedent, but it was not a very long-lived precedent, because the provision was repealed by the Land Act of 1881, when the appeal was to the Land Commission; and, later, again, by the Act of 1903, appeals are to the Judicial Commissioner sitting with an expert assessor.

As regards the question of a Judge of Assize or a Judge of the High Court we come back to a matter which led, if I may say so, on recent occasions to a rather amiable game of battledore and shuttlecock across the House on the point whether Judges have views; and there seemed to be, at any rate in the course of discussion of one measure or another, a disposition to believe that they have. Well, my Lords, if particular views of different Judges are liable to be exercised in such a matter as this, I confess I think it would be a great misfortune. It is very desirable, if this Act is to be one transaction carried on through a limited period, that it should be carried on with as great a uniformity of practice as possible. I am not going to say a disrespectful word of any member of the Irish Bench. Quite the contrary. But it is—I do not say it is in all cases a bad thing—the practice for Irish Judges to state their opinions on various public occasions with greater freedom than is customary in the case of their brethren on the English Bench, and they are, at any rate, popularly credited with holding strong views on matters which might come before them in this connection.

That, to my mind, points, therefore, not to leaving this matter to Judges of Assize or to Judges of the High Court, but to appointing one Judge to deal with this particular class of case; and I have no doubt that many more than one Judge might be found on the Irish Bench who would start with the confidence of all parties even in the decision of critical matters of this kind. I could name one learned Judge, a very near relative of the noble and learned Lord sitting on the Front Bench, who I know would obtain the confidence of all parties if he could be persuaded to undertake such duties as these. I name him as an instance, and I hope, therefore, that noble Lords opposite, in considering this whole question, will reflect whether it may not be more advisable on this question of an appeal on value to appoint a single Judge than to leave it to the chance of a rota of assize. But perhaps I ought to add that we are no more persuaded than we were that it is advisable to have an appeal on any other subject than on this question of value. We do not believe it is possible for any Court to undertake the extraordinarily complicated series of questions which might be submitted to it if appeals were allowed on every possible point connected with this Bill.

There is only one other point to which I wish to allude. Something was said, I think it was by the noble and learned Lord, Lord Atkinson, in his speech on the Second Reading, with regard to the fact that rents had been fixed in Ireland on no principle, and that consequently valuations of this kind would take place on no principle; and he quoted an admission to that effect by one of the members of the Estates Commission. I am bound to say I think that is an admission which every valuer would make, not merely in Ireland, but in all countries. Supposing the learned Gentleman had been asked, "Do you fix rents on principle?" and he had replied, "Yes," the next question would naturally have been, "On what principle?"; and I should like very much to know what the answer would have been. I thought it was common knowledge that in all matters of valuation the only principles upon which you can act are knowledge and experience. There is no such thing as a principle, so far as I know, in fixing either the rental value of land or the value of anything else. A noble Lord is going, say, to buy a horse. A certain sum is asked for it—£100, £200, or £300—and in forming a judgment whether the animal is worth that sum he does not act on any principle; he acts on his knowledge and experience. And any land valuer in this country, and I imagine also in Ireland, if asked on what principle he valued land for purchase or for the purpose of rent would tell you he did so as the result of his general knowledge and experience of the subject, and also no doubt from such information as he could gain of the rents current in the particular neighbourhood. I say this because I do not wish it to be supposed that we agreed with the noble and learned Lord when he pointed out that there was a certain unfitness in a man being allowed to value land for this purpose, who had made an admission of that kind with regard to the fixing of rents. I think I have, either on the first clause, or on this, covered the various points raised by the noble and learned Lord, and I only regret that we are not able to accept his Amendment.

LORD ASHBOURNE said it was recognised now that there should be an appeal; and the points that remained open were as to the matters upon which there ought to be an appeal and the nature of the appellate tribunal. These two questions were, of course, susceptible of differences of opinion; but they might be approached to see whether there could not be a common understanding come to in regard to them. The noble Lord admitted that the question of loss, compensation or price was a legitimate subject of appeal; but he shrank from allowing the tribunal to consider the question of the necessity. But there were other matters, such as the acquisition of untenanted land in the occcupation of the landowner. Under Clause 6 there was a restriction on the acquisition of land. That was a question partly of law and partly of fact. Surely, if the provisions in that clause were violated there should be an appeal.

*THE EARL OF CREWE: It certainly was our impression that Clause 6, even before any Amendment was moved, would be subject to appeal under the provisions allowing appeals on points of law.

LORD ASHBOURNE said he supposed the noble Earl meant the reference to Clause 23 of the Act of 1903, under which there was power to take the opinion of the Judicial Commissioners. He assumed that all the topics included in Clause 6 - that no land should be taken which formed part of demesne or home farm or the amenities of residence—were to be open to appeal. But all cases would not be covered by Section 23 of the Act of 1903, because there the Judicial Commissioner would only deal with matters that were reserved for him by written statement submitted by the Estates Commissioners. That was a dwarfed appeal; what was contemplated by his noble and learned friend Lord Atkinson was an open appeal, in open court and by an independent Judge, with the possibility of having witnesses examined and cross-examined. If a man's home farm was taken or the amenity of his residence destroyed, those were matters of first-class importance. It was no novelty that there should be appeals on such matters, for in Ireland under the Labourers Acts there had been appeals over and over again on the ground that cottages had been dumped down on the most inconvenient place for the owner. The final word in the matter ought not to be said by the Commissioners, but if necessary by an independent and impartial tribunal. It was necessary, too, in order to safeguard the position of the new tenants, men who might have led blameless lives as good and peaceable citizens for twenty-five years, and yet who might under this Bill by some mistake be turned out neck and crop at the bidding of the Commissioners. He noted that a novel power was to be taken in the last sub-section of Clause 3, which would enable the Commissioners to saddle the new holding of the new tenant with all the charges, liabilities, and equities which affected the tenant's interest in the former holding, without any provision as to the requirement of consent; that also might legitimately be matter for appeal to an independent tribunal. An appeal on cost and compensation would not be adequate to enable substantial justice to be done. As to the tribunal, he knew no earthly tribunal that gave satisfaction to everyone. He admitted that the selection of a tribunal was not easy, but the broad and general Amendment of his noble and learned friend would secure a Judge independent by his position, training, and knowledge. He thought there would be a great advantage in appointing a Judge of Assize. The Bill, mercifully, could not go on for ever, although the noble Earl opposite seemed to linger lovingly over the uncertainty of its duration, and he saw no reason why the length of its operation should not be defined.

LORD ATKINSON said that he was very anxious to meet the noble Earl on anything like a reasonable compromise, but if the Lord President meant that the only question to be considered on appeal was the question of value or amount of compensation, he could not accept it. There were many other questions which it might become necessary to consider, and he was, therefore, much afraid to accept an appeal on that one question alone. He felt bitter regret that the noble Earl had held out no prospect of bringing before the appellate tribunal the question as to whether there was any necessity for seizing the land. He had said that he did not mind what the tribunal was—what he wanted was that there should be some review of the Commissioners' decision. The Government had chosen to place in the Estates Commissioners absolutely autocratic power to take any property they liked. It was by no means necessary that the difficulty referred to by the noble Earl should be created. He would be the last to say that for every individual case and every bit of land taken the Commissioners should have the trouble of going to the Lord-Lieutenant in Council, supposing that to be the body selected to approve of putting the compulsory powers into force, for permission. Schemes might be presented which included a county or large portions of a county. He wanted to secure either at one end of the procedure or the other that there should be some revision of the Commissioners' decision. It was intolerable that in secret and without giving any reason to anyone they should be able to take any man's land. Would the noble Earl consider if there could not be some inquiry so as to prevent this being a vicious anomaly in the whole legislation dealing with this subject?

THE LORD CHANCELLOR (Lord LOREBURN): My Lords, I think it is desirable as much as possible to avoid confusion in the discussion of this very intricate Bill—intricate, though not of very large compass. I understand that the noble and learned Lord who has just spoken now suggests that the Estates Commissioners might draw up schemes including a county or a portion of a county, and that in that event it would not be necessary to have an appeal upon each particular case, which I should greatly deprecate. I think I rightly interpret the broad view that was put by the noble and learned Lord—that if a scheme were propounded for a large area and received the imprimatur of the Privy Council, there would then be an end to all appeal in regard to the question of necessity so far as that particular area was concerned. I do not wish to fall short in recognition of the spirit which I believe animates the noble and learned Lord in this matter. It is difficult to discuss a proposal until one sees it on the Paper, and if the proposal is put forward I am sure my noble friend the Lord President will examine it to see whether any practical result can accrue from it. But the noble and learned Lord's latest suggestion is absolutely incompatible with his Amendment before the Committee. Let us see what the Amendment before the Committee is. It is largely consequential upon a decision already arrived at. The Amendment says—

> "Any person aggrieved by any order of the Commissioners may appeal."

In the first place what is to be the tribunal? My noble friend behind me said, in effect, that we were quite prepared to give an appeal on the subject of value. Let us see to whom that appeal is to be. My noble friend suggested a selected Judge upon the ground that Judges might be "viewy," and I think he indicated a very distinguished Judge who is not, or was not when I sat in the House of Commons, of our way of thinking, but in whom we have every confidence—Mr. Justice Gibson. I rather gathered that the noble and learned Lord did not think that a fair offer.

LORD ATKINSON: I should have thought any one Judge would experience immense difficulty in travelling all over the country.

THE LORD CHANCELLOR: One Judge was suggested, at all events. What was to be the subject-matter of appeal? The point of value was the subject-matter to which the noble Earl the Lord President referred; and upon the question whether the exercise of the power was just or reasonable, I put it to noble Lords whether you could take this issue in regard to every particular plot, and every particular application. But that is the Amendment now before the Committee. We have pointed out that we must object to that course, which would choke up the Commission and obstruct the business altogether. The same applies to other questions of a kindred character. The point whether there is to be compensation or market value has been settled by an Amendment already carried. As to the proposal that the Estates Commissioners shall be competent but not compellable witnesses, we cannot consent to that. I would point out that they are judicial persons, after all, in many of their functions, and it has always been the policy of this country not to allow persons exercising judicial functions to be called as witnesses and cross-examined as to their reasons for exercising their particular discretion. These are the substantial parts of the Amendment. The first part of Clause 6 prohibits the Estates Commissioners from taking particular described land, and if they try to take those lands they will be stopped by prohibition. It is our intention that they should be, and I think they would. If it were established that this restriction on the acquisition of certain lands was being contravened, the ordinary Courts would have ample jurisdiction to say it was *ultra vires*, and the Estates Commissioners could be prohibited from proceeding. As regards the latter part of

Clause 6 as to the exercise of discretion by the Estates Commissioners, I agree that it would not come within the rules as regards prohibition; but I am afraid we could not make it different. But that is a matter which will come up for discussion when Clause 6 is reached. As to the question of the new tenant, if your Lordships look at the words in which the Amendment inserted on Friday at the instance of Lord Robertson is shaped, you will find that the Court would be at liberty to prohibit any interference with a new tenant. However, that is a matter which may afterwards be considered. I have endeavoured to deal with the substance of the Amendment, but it is difficult and complicated, and I cannot help thinking that the proposal made by my noble friend Lord Crewe, giving an appeal on the question of the value of the land, is sufficient for the purpose, and to go any further would really make the Bill impracticable.

LORD ASHBOURNE: What about the new tenant? Is he not to have an appeal?

THE LORD CHANCELLOR: I had already said that the Amendment relating to new tenants which was inserted on the Motion of Lord Robertson would cover that. If the Estates Commissioners, in the face of that prohibition, tried to take such land, it is obvious that the Court would stop them.

LORD ASHBOURNE: Would a new tenant, with, it may be, ten acres, be expected to sue a writ of prohibition at his own expense in the superior courts to save his *status*?

THE LORD CHANCELLOR: I can hardly imagine the Act being defied. If any question is to be raised in regard to giving cheap facilities to prevent the defiance of the Act, it is a matter which ought to be put forward in an Amendment and would be considered. It was not from the point of view of the means of the particular person, but of the legal position, that I was addressing the Committee.

LORD ATKINSON said that if he got any assurance from the Government that they would adopt an Amendment providing for schemes to be approved by the Privy Council, he would jettison his clause giving an appeal on the question of necessity.

*THE EARL OF CREWE: I think we can scarcely be expected to give any promise with regard to an Amendment we have not seen. The noble and learned Lord explained it very clearly, but that is not the same thing as seeing it in black and white. If the noble and learned Lord will put his alternative suggestion on the Paper we will give it our best consideration.

LORD ATKINSON: In that case I shall not throw over my Amendment.

*THE EARL OF CREWE: I never contemplated that the noble Lord would do so.

THE EARL OF MAYO said he thought Lord Atkinson's offer was a fair one, and he did not see why they should not come to some arrangement. They must insist upon an appeal on fact, value, and compensation.

LORD HEMPHILL said it seemed to him that the Bill as it stood furthered the main intention of the Legislature in the best way. The great object was to settle this question as speedily as possible. If ever the maxim *bis dat qui cito dat* applied, it applied to the case of the evicted tenants, and no one knew better than the noble and learned Lord who advocated so strongly the Amendment before the Committee that the appellate tribunal suggested would involve great delay and considerable cost. On whom the costs were to fall had not been in any way adumbrated. Why there should be an appeal in this particular case it was hard to see. The tribunal contemplated by the Bill was a tribunal of three gentlemen who had had more experience of the valuing of land and the circumstances of the country than any other men in Ireland. They had been for fifteen years acting as Commissioners, and it had been conceded by every noble Lord who had spoken that they were men of high honour and integrity, and wholly disinterested as between landlord and tenant. He could not conceive a tribunal more likely to come to a fair conclusion than the Estates Commissioners.

The Bill was an anomalous Bill, he admitted; it was a peculiar Bill, because it restored to their farms men who had been evicted, some lately and some many years ago, the victims of circumstances, and it might displace men who themselves were meritorious. But their Lordships had, by giving the Bill a Second Reading, admitted that that principle was right, and they had now to deal only with details. If the principle were wholly wrong, of course their Lordships would have rejected the measure on Second Reading. They were now considering how best to carry out the objects of the Legislature. It had been suggested by noble Lords on the Government side of the House that it was reasonable that there should be some appeal, and in the few observations which he would make he would assume that appeal to be limited to the value of the land and to the question of compensation. With regard to what should be the appellate tribunal, they had ample precedent. In the case of the compulsory taking of land by railways, so familiar to their Lordships, the law was governed in Ireland by the Railway (Ireland) Act, 1851—he thought that was the year—the appeal there being to a Judge of Assize to be tried before a jury. In the original Act there was no provision made for a special jury, but by a subsequent Act either party might have the question tried by a Judge of Assize and a special jury, and by another Act the venue might be changed, at the instance of either party, if there was any suggestion that there might be partiality on the part of the jurors to one side or the other. That Act had worked fairly and well, so far as the taking of land compulsorily for public purposes went. Why should not that principle, if there must be an appeal, apply in this case? Were noble Lords to assume that all Irish tribunals were more or less tainted with corruption or partiality? Were they not at liberty to suppose that the Judges on the Bench and the jurors in the jury box acted under a sense of responsibility, and with some regard to the oaths they had taken? He thought that in legislation they were bound to act on that assumption. There was another tribunal suggested by the Land Acts. Under the Act by which fair rents were fixed between landlord and tenant, which, of course, was a measure as seriously affecting the interests of the landlords as any Act of Parliament ever passed, there was an appeal from the decision of the Land Commissioners or the Assistant Land Commissioners. To whom was that appeal? It was to the Judicial Commissioner of the Land Court. The Judicial Commissioner of the Land Court had the same *status* and the same salary as the Judges of the High Court, to whom it was suggested by the Amendment that the appeal should lie, but he had an advantage over the Judges of the High Court. No one had a more profound admiration than he had for every single member of the Bench in Ireland, knowing as he did their ability and their anxiety to administer justice. But the Judge of the Land Court, Mr. Justice Wylie, had, from the functions which he had to discharge, the means of dealing with these questions—namely, the value of the land, the compensation to be given, and, it might be, how far necessity arose for putting into power the compulsory provisions of the Bill. On all those matters he would be a competent Judge. An appeal in the cases of 2,000 evicted tenants would disorganise the Assize Courts, and would be quite impracticable. If there was to be an appeal, he respectfully submitted that there could be no reasonable objection to its being made to Mr. Justice Wylie, the Judicial member of the Land Court, who had, under the Land Purchase Act of 1903, the power to add a valuator assessor in order to aid him.

It had been suggested by Lord Atkinson that schemes might be prepared something like the schemes under the Labourers Act, and that there should be an appeal to the Lord-Lieutenant and the Privy Council in Dublin. That system was found to work so imperfectly that, in the Labourers Act of last year, the appeal to the Lord-Lieutenant in Council under the previous Act was repealed, and the appeal now was to the County Court Judge. He felt very anxious that this Bill in its main principles should become law. He believed it would be instrumental, more than anything else in their power, in producing some sort of rest and quiet in Ireland. They could not arrive at perfection in a country so full of anomalies as Ireland. If in their anxiety to attain perfection their Lordships hampered this Bill with impracticable clauses, the Bill would be rejected in the other House, and those wretched evicted tenants who had been hoping against hope for years would be again disappointed, and there would be fresh incitement to disorder in Ireland.

*THE MARQUESS OF LANSDOWNE: My Lords, the Committee, I cannot help thinking, finds itself in a somewhat perplexing position with regard to this Amendment, a perplexity which is increased owing to the fact that this question of the appeal which may be had under the Bill is that upon which we on this side feel more strongly than we do upon almost any other question within the compass of the Government's proposals. I hope I am not wrong in believing that we have this evening made, perhaps not much progress, but at any rate some progress in the direction of an understanding.

The announcement of the noble Earl the Lord President that his Majesty's Government freely admit the right to an appeal on the question of compensation is, in itself, very important; but I think I shall not do him an injustice when I say that we gathered from what fell from him this evening that in his view it was not unreasonable to ask for an appeal on something more than the mere money question. I am inclined to press that, because I notice very often in the speeches made by noble Lords opposite and their friends with regard to the many agrarian questions now before Parliament that it is assumed that the landlord's interest in his property, or in that which has hitherto been regarded as his property, begins and ends with the rent he gets from it. That is a great and fundamental fallacy.

I understood the suggestion of the Lord President to be that, in reference to such questions as might arise under Clause 6 of this Bill, there is already an appeal under the 23rd Section of the Act of 1903. Under that section any question of law may, if the Estates Commissioners think fit, on the application of any person interested, be referred to the decision of the Judicial Commissioner. I am not learned in these matters, nor do I know exactly what is the procedure followed before the Judicial Commissioner, but I am strongly under the impression that an appeal of this kind would not be to the full extent the kind of appeal desired by my noble friends who sit behind me. It would not be usual, for example, for the Judicial Commissioner to hear witnesses. I understand my noble friends to desire a full appeal which would give a complete opportunity to a person who considered himself aggrieved to obtain a revision of what he believed to be a wrongful decision of the Estates Commissioners.

While pressing this as strongly as I can, I trust noble Lords opposite will not suppose that on this side of the House we desire to push this claim to an unreasonable extent. For example, the Lord President in his opening remarks said it would be unreasonable to require a proof in every case that no equally suitable land was to be found in any part of Ireland. I am bound to say that I agree with the Lord President. I do not think it would be fair and practicable in every case that you should put upon the Estates Commissioners the onus of saying that nowhere in the whole circumference of the country was there some other place upon which a tenant who was to be reinstated could be planted. If a procedure of that kind were to be encouraged you would, as has been truly said, expose yourselves to an infinite amount of delay, to congestion of the business of the Appeal Court, and to an indefinite postponement of that final settlement which we should all like to expedite as much as we possibly can. But we do, on the other hand, desire that as to those questions which arise under the 6th Clause, and also as to all questions arising in connection with the removal of those tenants whom we usually speak of as planters, there should be a full appeal and an open inquiry.

At this moment we are in this position. No fewer than four alternatives are under discussion—the proposal of the Bill, the elaborate Amendment of my noble and learned friend Lord Atkinson, the alternative proposal sketched to us by the Lord President of the Council, and the outline of another alternative which my noble and learned friend has suggested, and is ready to put upon the Paper for the consideration of the Committee. Of these alternatives, two only are before the Committee in a shape in which we can appreciate them—that of the Bill and Lord Atkinson's Amendment. We cannot accept the Bill as it now stands, and, therefore, in my humble opinion, our duty is to insert Lord Atkinson's Amendment in the Bill as embodying at any rate for the time being what seems to us to be the best way of dealing with this important question. Then, at a later stage, if my noble and learned friend has something better to propose, or if noble Lords opposite have something else to propose which we can see our way to entertain, let us by all means alter the Bill again. That, it seems to me, is the only course really open to us this evening.

*THE EARL OF CREWE: I merely rise to say that we shall not trouble the Committee to divide on Lord Atkinson's Amendment, for we regard it as consequential to that which was made on Friday; we will only say "Not content."

THE CHAIRMAN OF COMMITTEES (The Earl of ONSLOW): The actual Amendment before the Committee is to leave out the word "withdraw," in line 29, and to insert the words, "the Estates Commissioners or any two of them shall hear and by order determine."

On Question, Amendment agreed to.

LORD ATKINSON then moved the insertion of his proposed new Subsection (8).

Amendment moved—

"In page 3, line 30, to leave out from the word 'thereon' to the end of Subsection (7); and in line 34, after the word 'conclusive' to insert the following new subsection:—

"In line 30, to leave out from the word 'thereon' to the end of Subsection (7)."

"In line 34, after the word 'conclusive' to insert the following new subsection:—"(8) (*a*) Any person aggrieved by any order of the Estates Commissioners made upon the hearing of any such petition as aforesaid may, within the time and in the manner prescribed by rules to be made as hereinafter provided, apply as he shall elect, either to the King's Bench Division of the High Court of Justice in Ireland, or to the Judges of Assize for the county in which the lands sought to be acquired, or the greater part thereof, are situated, to hear and determine any question of law or fact arising out of any such petition or order. Every such application shall be heard and determined by one of the Judges of Assize for the said county, or by one of the Judges of the King's Bench Division, to be selected by the said Judges according to a rota to be framed by them at the commencement of each sitting of the said High Court. Upon the hearing of every such application the Judge shall have power and authority to hear and determine all questions of law and fact that may arise, including the adequacy of the compensation awarded by said order, and in particular the question whether, upon the facts and circumstances proved in evidence before him, the compulsory acquisition of the lands in said petition or order mentioned was just and reasonable, and he may give judgment affirming, modifying, or reversing the said order of the Estates Commissioners, and may make such order as to the costs of and incidental to the said petition, and the hearing of the said application, as he may think fit: (*b*) Upon the hearing of every such application the said Judge shall have the jurisdiction, power, and authority possessed by a Judge of the High Court of Justice in Ireland when presiding at a trial at *Nisi Prius*, including the power to administer an oath, and to compel the attendance of witnesses and the production of documents. He shall also have the power to direct that an independent valuer, to be nominated by him, should report to him his opinion upon any matter the Judge may think fit to refer to him, and he may make such order in reference to the costs of any such report as he may deem just: (*c*) In the determination of any question as to the adequacy of the compensation offered, the Judge shall have regard to the principles of the provsions of the Lands Clauses Act, 1845, applicable to the compulsory purchase of land, and for the purposes of the said application before the said Judge, the Estates Commissioners shall be deemed to be the promoters of the undertaking within the meaning of the said Act: (*d*) The Estates Commissioners shall be competent, but not compellable witnesses upon the hearing of every such application, and they shall furnish to the Judge hearing the same all such particulars and documents as shall by him be required, including a schedule in the form prescribed by section seven of the Purchase of Land (Ireland) Act, 1903, together with a statement of the superior interests, if any, to which the lands sought to be acquired, or the estate of which they form a part, may be subject: (*e*) The inspectors and other officers of the Land Commission, other than the Land Commissioners themselves, shall be competent and compellable witnesses upon the hearing of every such application: (*f*) The said King's Bench Division and the Judges of Assize, respectively, may order that all applications pending before them in respect of the same petition or order as aforesaid may be consolidated, and heard together, and for the more convenient, speedy, or proper hearing of any such applications, may order that the hearing of same may be transferred from the said Division to the Judges of Assize, or from the Judges of Assize to that Division, as the case may be, and the said application, when so transferred, shall be heard and determined as if it had originally been made to the tribunal to which it has been transferred: (*g*) The Judge before whom any such application is heard may, where he deems it expedient, reserve any question or matter arising upon such application, by way of case stated, for the consideration of His Majesty's Court of Appeal in Ireland: (*h*) All cases stated for the Court of Appeal shall be prosecuted, heard, and determined by such Court in such manner and form, and subject to such rules and regulations as the Court may from time to time by rules direct. The said Court of Appeal shall give such judgment as ought to have been given in the Court below by the Judge thereof, and such judgment shall be of the like effect as if it had been the judgment of the said Judge, or the said Court of Appeal may remit the case with such directions as they think fit to the Court below: (*i*) In the interval between the lodging of any such application to the Judges of Assize and the opening of the Assizes for the county in which such application is to be heard, the King's Bench Division of the High Court of Justice in Ireland shall, on the motion in the prescribed manner of the applicant, the Estates Commissioners, or any party interested, have jurisdiction, power, and authority to make any order of an interlocutory nature in the matter of said application, as if same was an action at law pending in the said division: (*j*) The provisions of section twenty-three of the Irish Land Act, 1903, shall apply to this Act so far as the same are not inconsistent with the provisions of the latter. Provided that a question of law which has been decided by a Judge of the High Court or of Assize, or by the Court of Appeal under the provisions of this Act shall not, after the date of such decision, be referred for decision to the Judicial Commission, nor while a question of law is awaiting decision in any application pending before such a Judge, shall the same question of law be referred for decision to the Judicial Commission, unless at the request of some person who is neither a party to nor interested in the matter of the said application. (*k*) The compensation to be paid to any owner of land in respect of the loss thereof shall for the purposes of the Land Purchase Acts be deemed to be the price to be paid for his purchase therein: (*l*) Rules of Court regulating and prescribing the practice, procedure, and the costs of and incidental to the hearing of all proceedings under this section before the King's Bench Division, or any Judge thereof, or any Judge of Assize, may be made by the authority having power to make Rules of Court for the Supreme Court of Judicature in Ireland.' "—(*Lord Atkinson.*)

On Question, Amendment agreed to.

LORD BARRYMORE moved the addition of the following as a new subsection: "In addition to any compensation to be awarded to the owner under this section, the Estates Commissioners, or the Judge on Appeal, shall have power to award such sum as may appear reasonable in respect of any arrears of rent due by the tenant at the date of the eviction, or in respect of any money paid to the tenant in respect of his interest or goodwill in the lands." He said that it was only fair and reasonable that in relation to compensation such matters should at least be taken into consideration. The arrears were often allowed to accumulate, and when, for one cause or another, the tenants went, the arrears were forgiven them and advances were sometimes made to assist them. In some cases these ex-tenants had received pensions for life. There were, besides those, cases where the landlord had actually bought the tenant-right when the tenant wished to go, and had been ever since occupying and working the land himself. Under this Bill it would be possible for the Estates Commissioners to take that land and pay the landlord what appeared to be the market price of the land, but he would entirely forfeit the money he had paid to the out-going tenant for the tenant-right, and would thereby be a considerable loser by the transaction. It would be obviously unjust, both to the landlord and the neighbouring tenants, that a man should be returned, after an interval of years, to an improved holding, no account being taken of the arrears of rent or the earlier assistance he had received. This was a matter which came before the Mathew Commission in 1893, and there was a provision to meet it in the Bill of 1894, a small Commission of two gentlemen having power, in cases where large arrears were due, to grant to the landlord some portion of those arrears—he thought the amount was not to exceed one year's rent. It was exceedingly hard that the landlord should not only have his land taken compulsorily, but should be mulcted in these sums. In his Amendment he was only asking for what was fair. The subsection was permissive and not mandatory, and he hoped the Government would favourably consider it.

Amendment moved—

"In page 3, line 34, after the word 'conclusive' to insert the following new subsection: '(8) In addition to any compensation to be awarded to the owner under this section, the Estates Commissioners, or the Judge on Appeal, shall have power to award such sum as may appear reasonable in respect of any arrears of rent due by the tenant at the date of the eviction, or in respect of any money paid to the tenant in respect of his interest o goodwill in the lands."—*(Lord Barrymore.)*

*THE EARL OF MEATH supported the Amendment. They had been told that the whole of the agrarian legislation in Ireland had been due to the fact that Irish landlords, as a general rule, did not, as English landlords did, build the farmhouse and the labourers' cottages. That was true as a general proposition, but there were important exceptions to that rule. In his county many of the landlords had conducted their estates in exactly the same manner as English landlords. For instance, thousands of pounds had been spent in this way by Lord Fitzwilliam and by other landlords, and farmhouses and labourers' cottages had been built on his (Lord Meath's) estate by his ancestors and by himself; but the value of these houses and cottages had never been taken into consideration by the Land Commissioners in fixing the rents. They had held that all they had to consider was the value of the land to the tenant, and that the value of the land was not enhanced by the tenant having a good house built for him or a good farmstead. Something might be said, the Commissioners thought, in regard to farm-buildings, but they held that there was no advantage to the tenant in having a good house. Landlords on English-managed estates strongly objected to that doctrine. They maintained that the tenant was put in good heart by having a good house over his head, and was much better off than a man who had to live in a leaky hovel. Thousands and thousands of pounds had been expended by Irish landlords in this way which had not been taken into consideration. The noble Lord (Lord Barrymore) alluded to cases where amicable evictions had taken place. In many of these cases the large amounts owing in rent were forgiven, and a sum of money was handed to the tenant on leaving. That money could not be said to be in any way due to the tenant. It had often happened on his (Lord Meath's) estate, when a man had been unable to pay his rent, that he had been advised to give him £150 or £200 and let him go with the feeling that there was no grievance. That had often occurred in Ireland. Yet in this Bill there was no chance of the landlord ever getting this money back, although he might have the evicted tenant, who had received this sum of money, placed again in possession of the same farm. Over and over again tenants had deliberately allowed gorse to grow over parts of their farms in the hope of profiting by the ignorance of the Land Commissioners who went down to value them. The Commissioners found that half the farm had been allowed to grow up in gorse and said: "What, £30 a year for that? Why, it is not worth more than £15 a year!" That was quite true, but it was through the fault of the tenant. When the tenant went out that land was thrown upon the landlord's hands; and he (Lord Meath) had over and over again paid £7 an acre to get the gorse off the land before he could let it again or take it into his own hands. He thought it was hard that landlords, who had spent very large sums of money on these tenants in order to prevent friction, should have them thrust back on their hands without the slightest compensation for the expense to which they had been put.

*THE EARL OF CREWE: My Lords I hope the noble Lord will not press this Amendment, but will be satisfied with having drawn attention to what he considers a certain number of hard cases. So far as I know, there is no precedent of any kind for including arrears of rent in a matter of this kind. The burden thrown upon the Treasury would be absolutely unknown and would make transactions under the Act in such a case practically impossible. If a number of years' arrears of rent had to be found, the difference between the purchase price and the price at which the land could possibly be resold would be so great that it would make the call upon the bonus or whatever fund was to be drawn upon so great that the Estates Commissioners certainly could not venture to engage in the transaction. It seems to me very difficult to go beyond the principle that the land is purchased as it is. So far as regards the cases mentioned by Lord Meath and Lord Barrymore where a farm has been left in bad heart and has been put into good heart by the landlord, I conceive that if a farm was in very good condition when purchased that fact would be borne in mind in fixing the purchase price. It stands to reason that it would. As regards the cases where tenant-right has been bought there was a similar complaint, as many noble Lords will remember, after the Land Act of 1881. Some landlords in Ulster, who had spent considerable sums in purchasing tenant-right, felt themselves aggrieved by the provisions of Mr. Gladstone's Act. I have no means of knowing how far cases where the purchase of tenant-right has taken place are of common occurrence. The whole of the transactions under this Bill will be very limited in number, and I certainly think it would be open to the landlord, in representing his case to the Estates Commissioners, to draw attention to a fact of that kind, with a view to dissuading them from taking a particular farm. I am afraid it is impossible for us to deal with the matter in the Bill, and I trust the noble Lord will not press his Amendment.

LORD INCHIQUIN said that on his estate thirteen tenants had been evicted since 1880. The arrears ranged from two to twelve years' rent. In each case compensation was paid to the tenant.

*THE EARL OF CREWE: Is that all now untenanted land?

LORD INCHIQUIN: Yes.

*THE EARL OF CREWE: Then the noble Lord will get a higher price for it than if it were tenanted.

LORD INCHIQUIN: But shall I? That is what I want to know. Continuing, the noble Lord said he was now farming all this land—5,000 acres in extent—and had it in good heart. Last year he put up to auction a meadow of sixty acres on one farm, the buyer having to cut the hay and take it away. The price obtained averaged £6 10s. an acre; yet the former tenant could not pay £2 an acre. In every case a large sum of money was due when the tenant went out; in every case compensation was paid; and in every case he had spent a considerable sum of money in putting the land in good heart. If it were taken by the Estates Commissioners, was he to get no compensation for the £2,982 arrears of rent and the money he had expended?

VISCOUNT MIDLETON thought the noble Earl the Lord President hardly did justice to the number of cases which would be affected by the considerations which Lord Inchiquin had just mentioned. The noble Earl appeared to be under the impression that these would be somewhat isolated cases and would be sufficiently dealt with by his statement that a higher price would be given where the tenant-right was in the hands of the landlord. But there was no indication of that on the face of the Bill.

*THE EARL OF CREWE: It has undoubtedly been the practice hitherto.

VISCOUNT MIDLETON thought the difficulty would be the same as under the Land Act of 1881. He would cite one case as showing how very important this question was to some landlords. Lord Ashtown farmed nearly 4,000 acres in county Galway. That immense tract of land had been farmed by the landlord for sixty years. Quite apart from the fact that there were between 100 and 200 labourers employed permanently and that a very large sum was spent in wages on the estate, the whole of that land would be open to the Commissioners for the purpose of reinstating evicted tenants. Lord Ashtown could prove that he had spent £12,000 on buildings and permanent improvements on the land. How was he to be recouped this sum? The noble Lord said, "By some increase of rent," but that was by no means certain. The evidence of Mr. Commissioner Finucane was clear on the point that the whole of the untenanted land in Galway would require to be taken. Surely landlords who also held the tenants' interest and could prove an expenditure of that magnitude had some right to consideration. As the noble Marquess the Leader of the

Opposition had pointed out, the interest of a landlord in his property did not begin and end in the rent he obtained from it. He hoped the Lord President would see his way to put into the Bill guiding words to the Estates Commissioners indicating that it was the feeling of Parliament that where both interests were in the hands of the landlord they should have regard to that fact.

Lord DENMAN said there was no precedent for paying the owner, in addition to the value of his land, sums in respect of arrears of rent and money paid for goodwill, and they knew that noble Lords opposite paid very great attention to precedent in regard to this Bill. He pointed out that under Lord Atkinson's Amendment, which was put into the Bill, the high rate of compensation allowed by the Lands Clauses Act was to be paid to the landlord.

Lord BARRYMORE: Will that provision be left in the Bill?

Lord DENMAN said that so far as the Government were concerned he believed it would not, but, as the Bill now stood, it contained compensation under the Lands Clauses Act, and if arrears of rent were added as well the rate of compensation would be very high indeed. As to the point mentioned by Lord Inchiquin, he (Lord Denman) was not an authority on these matters, but he had read the evidence of Mr. Commissioner Finucane before the Congested Districts Commission—and he presumed the same principle would apply in the case of evicted tenants—in which he said that in his opinion five years purchase of the valuation for untenanted land should be given in excess of what would be given for tenanted land of the same value.

*Lord CLONBROCK said that this was not always the practice of the Commissioners. He instanced the case of the Lewis estate, in county Galway. The lady to whom that estate belonged had offered to sell two farms to the Estates Commissioners for the purpose of reinstating the evicted tenants, but the Commissioners had only offered eighteen years, and a half purchase of the rent without making any allowance whatever for the occupation interest which belonged to her; and eighteen years and a half purchase was three years purchase less than the average of first-term rents in that part of the country. Therefore whatever evidence had been given they could not get away from the fact that the practice had not been to offer the amount stated.

On Question, "That those words be there inserted," their Lordships divided:—Contents, 151; Not-Contents, 39.

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THE EARL OF MAYO said the object of the proviso standing in his name on the Paper was to meet the case of an evicted tenant who was put back on an estate which was in the hands of tenants who had not purchased. Under the clause as it stood, when the evicted tenant was put back he returned under the same *status* as a tenant who had bought under the Act of 1903, and therefore his rent was much lower and he was in a much better position than the other tenants. The noble Earl the Lord President would, he thought, agree that that tenant would be very much envied by other tenants, who were likely to make themselves not at all pleasant to the landlord and to force him to sell his estate at a price below that at which he would be willing to sell. He hoped the noble Earl would see the injustice of the present provision and accept the Amendment.

Amendment moved—

"In page 3, line 38, after the word 'order' to insert the words 'Provided always that in every case in which the owner of the said land shall, by notice in writing to the Estates Commissioners within the prescribed time, so require, the person or persons whom it is proposed to place in possession of said lands shall be placed there with the *status* of present tenants instead of purchasers, and shall from the date of being so placed in possession be subject to such rent as the Land Commission, failing agreement between the owner and such person or persons, may upon the application of either party determine to be the fair rent of such land pursuant to the provisions of the Land Law (Ireland) Acts, 1881 to 1896.'"—(*The Earl of Mayo.*)

*THE EARL OF CREWE: My Lords, I am not unconscious of the possibility that the difficulty raised by the noble Lord may occur in certain cases. It might, no doubt, happen that on an estate where no purchase had taken place an evicted tenant might be restored under terms as a purchaser, which, like those of other purchasers, would be lower than those of an ordinary tenant. I should hope that the more natural result would be that the remaining tenants, seeing the advantage gained by a purchaser, to a large extent at the expense of the British taxpayer, would desire to purchase likewise, and would conclude matters with their landlord. The Amendment of the noble Earl is an impossible one to accept, for this reason, that if it were accepted and an evicted tenant came back with the *status* of a present tenant he would return probably penniless, and there would be no means of supplying him with any funds whatever. Funds can only be supplied to purchasing tenants, and to put the evicted tenant, who had been out for a long time and had no money, back on a farm without stock would be to ensure his future ruin, with the probability, or almost certainty, that he would be evicted again in a short time because he would not be in a position to pay his rent. I hope that, in the circumstances, the Amendment will not be pressed.

Amendment, by leave, withdrawn.

Clause 2, as amended, agreed to.

*LORD CLONBROCK moved to insert a new clause after Clause 2. He explained that he originally had a proposal down that a register should be kept which should be accessible to the public, but it was represented to him that the process now suggested in his proposed new clause, and which was in accordance with that followed under the Purchase Acts, would be far better. This proposal was only really an extension, *mutatis mutandis*, of the provisions of Sections 32 and 33 of the Irish Land Act, 1891. He thought it was only reasonable that the same publication should be made under the present Bill as was provided for under the Act of 1891.

Amendment moved—

"After Clause 2, to insert the following new clause:—(1) The Estates Commissioners shall publish particulars of all cases in which an evicted tenant, or a person nominated by them to be the personal representative of a deceased evicted tenant, has been or may be hereafter, with their assistance, restored to his former holding or provided with a new holding under the Irish Land Act, 1903, or this Act: (2) Such particulars shall be in the form of a quarterly return, which shall be laid before Parliament forthwith, and shall contain such particulars of each case as may be prescribed by rules made by the Lord-Lieutenant, including the particulars set forth in the schedule to this Act."—(*Lord Clonbrock.*)

*THE EARL OF CREWE: We have no objection to this Amendment if the noble Lord will allow these words to be added at the end of the sub-section, "if and so far as it may be practicable to furnish the same."

LORD CLONBROCK: I accept that addition.

On Question, Amendment, as amended, agreed to.

Clause 3:—

*THE EARL OF LEITRIM moved an Amendment to provide that, where the Estates Commissioners served notice to quit upon any new tenant, the date for his occupation to cease should not be less than six months from the date of service of the notice "and ending on the first day of November then next ensuing." He pointed out that if the notice of six months were given in December it would be very hard for a man to have to leave in May or June, and probably he would not be able to take another farm just then. He submitted that the Government should either agree to one year's notice being given, or else uphold the usual farming practice by arranging that the planters should leave their holdings at a suitable time of the year.

Amendment moved—

"In page 4, line 3, after the word 'thereof' to insert the words 'and ending on the first day of November then next ensuing.'"—(*The Earl of Leitrim.*)

*THE EARL OF CREWE: My Lords, so far as the noble Earl has in view the inconvenience and possible hardship of causing tenants to leave their holdings at all times of the year we are quite with him. We think it is perfectly reasonable that tenants should only leave at ordinary times, but as regards the possibility of greatly extending the notice and giving a longer time we should not be disposed to meet him. We should be willing to accept the Amendment in these words—

"And ending either on the first day of May or the first day of November."

There are a good many holdings, I conceive, where the month of May would be more convenient for the transfer than the month of November. I do not see the precise force or value of the words "then next ensuing." All that we desire is that the removal should be at a reasonable and convenient time for the tenants.

LORD ASHBOURNE said the object of his noble friend Lord Leitrim was to ensure that the men on whom the notices were served would not have to quit before they had had an opportunity of taking away their crops and having the value of the year. He was afraid that would not be saved by giving the alternative of May, and if such an alternative were put in it should be at the option of the tenant.

*THE EARL OF CREWE: The month of November would not suit a grazing farmer very well, and May would probably suit him a great deal better. It is intended that the period of the year should be convenient to the tenant.

*THE MARQUESS OF LANSDOWNE: Will the noble Earl insert the words "at the option of the tenant"?

*THE EARL OF CREWE: I will think about that.

THE EARL OF LEITRIM accepted the form of words suggested by the Lord President, subject to reconsideration on Report.

On Question, Amendment, as amended, agreed to.

LORD BARRYMORE proposed an Amendment that where the Commissioners offered to a new tenant another farm of not less value they should "at the same time offer to such new tenant such sum as may be reasonably necessary to cover any expense or loss incidental to the removal of himself and his family as well as of his crops, stock, and chattels, to such parcel of land." Where a tenant was forced to remove, it was only reasonable, and in accordance with practice, to pay the expense of his removing. It would be a great hardship on the planters turned out of their holdings to have to incur the expense of moving, and suffer serious loss in the sale of their stock. He had a similar Amendment in line 19, and as they were on all fours, he hoped the Government would consider them at the same time and accept them both. In the case of a planter who was obliged to move to some other place it was pretty certain that his sale of stock would be boycotted. As an act of justice to poor men he hoped his Amendment would be accepted.

Amendment moved—

"In page 4, line 14, after the word 'holding' to insert the words 'and shall at the same time offer to such new tenant such sum as may be reasonably necessary to cover any expense or loss incidental to the removal of himself and his family as well as of his crops, stock, and chattels to such parcel of land'; and in line 19, after the word 'holding' to insert the words 'and for any expense or loss incidental to the removal of himself and his family, as well as of his crops, stock, and chattels from said holding.'"—(*Lord Barrymore.*)

*THE EARL OF CREWE: I think it cannot be disputed that the noble Lord has supported this Amendment with some strong arguments. One certainly feels that if these people are moved away, it would be a hardship if they sustained, by the act of moving away, any pecuniary damage. Therefore, we are disposed to accept the noble Lord's Amendment, although I confess I rather have the fear of the Treasury before my eyes in this matter, and I am not quite sure what my right hon. friend the Chancellor of the Exchequer may say. But I cannot oppose the insertion of this Amendment in the Bill.

LORD ASHBOURNE thought the noble Earl was perfectly right to accept the Amendment on every ground—both technically and on merits. At the same time it seemed to him that the whole principle was given away in Clause 4 of the Bill. But he thought it quite right to put in an Amendment making absolutely clear what was covered by the Amendment.

On Question, Amendment agreed to.

Consequential Amendment agreed to.

*LORD ASHBOURNE, in proposing an Amendment providing that the Estates Commissioners might, if they thought proper, and if the new tenant so desired, award a sum as full compensation without making an offer of a parcel of land under subsection 2, said that Mr. Birrell was really answerable for having suggested the Amendment to his mind in a speech he had made on Third Reading. The speech in question was one of a most conciliatory nature—much more so than the Bill itself. Mr. Birrell appeared to speak kindly of a suggestion that it might be that the new tenant, instead of going through the form of being offered an alternative farm, would say: "Give me the money, and I will go." The present Amendment was to enable that to be done, so that instead of putting the Commissioners to the necessity of going through the form of offering an alternative farm, they could at once, if they thought right, and if the tenant desired, give him the money instead.

Amendment moved—

"In page 4, line 22, after '1881' to insert the words 'Provided that the Estates Commissioners may, if they think proper, and the new tenant so desires, award a sum as full compensation under this subsection 3, without making an offer of a parcel of land under subsection 2.'"—(*Lord Ashbourne.*)

*THE EARL OF CREWE: This question, as some noble Lords may have seen, is not quite so simple as it seems, because when the tenant takes a farm, the money comes out of the Irish Land Purchase Fund, and is ultimately repayable to the Treasury. On the other hand, when the tenant chooses pecuniary compensation, the money is paid out of the Votes, and is never recovered. Consequently my right hon. friend the Chancellor of the Exchequer is extremely unwilling—and I must say I see great force in his view of the case—to go any further than the Bill does in inviting people to take compensation rather than farms. As the Bill stands, it enables a man who does not for any reason want the farm offered, to ask for compensation instead. That, we think, is only fair, but we do not wish, as I say, to issue a general invitation to accept money compensation instead of a farm, and I hope the noble Lord will not press his Amendment.

*LORD ASHBOURNE regretted to say that he felt bound to do so, in deference to what seemed to him the very reasonable proposal referred to by Mr. Birrell. When the matter was mentioned in another place on Third Reading, Mr. Birrell had plainly beamed with delight, and if he had thought the matter worth thinking of, surely it was worth thinking of by their Lordships' House, unless circumlocution was to go mad. What was the proposal? The Bill said that if a new tenant was going to be put out, he would be offered another farm under subsection 2 of the clause under consideration. If the tenant did not like to take the farm, he would go to the Estates Commissioners and say, "I do not like your farm: give me compensation instead." The Estates Commissioners would then say, "Very well, if that is your habit of mind, there is your compensation." He only asked, would it not be better to drop the form of offering a man a farm which he did not want, and to give him the money which he did want?

*THE EARL OF CREWE: We will not trouble your Lordships to walk through the lobbies on this subject, but we cannot accept the noble Lord's Amendment.

On Question, Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5:—

THE MARQUESS OF LONDONDERRY, in moving to omit Clause 5, said he would, as briefly as possible, give their Lordships his reasons for doing so. Before proceeding to do that, however, he would like to point out that with the exception of Clause 1, and a certain part of Clause 3, not a single other clause of that important Bill had been discussed in the House of Commons. Therefore he thought it was necessary that these clauses, one after the other, should receive the full consideration of their Lordships' House and that the public at large should know the nature of those clauses which were closured and undiscussed in another place. The proposal in Clause 5 as it stood at the present moment was not entirely new. The proposal was contained in the Act of 1903, in Section 6 of which it was provided that any loss which should accrue with regard to the resale of estates should be made good through the public purse. That was done only, however, in the case of estates in connection with the congested districts, and the clause to which he alluded very clearly defined what those estates were. It said that—

> "The expression 'congested estate' means an estate not less than half of the area of which consists of holdings not exceeding £5 in rateable value, or of mountain or bog land, or not less than a quarter of the area of which is held in rundale or intermixed plots."

It was therefore proposed in that section that those conditions should apply with regard to those estates which he had defined to make up the loss which it was found would take place on the resale. In the present Bill, although the spirit was the same, an entirely new principle was introduced. While the former clause was limited to estates under the Congested Districts Board, the present one proposed to extend the principle of making good any loss to any single farmer who was about to be replaced under the provisions of the Act. The result of that would be that a man who had been evicted in the past either because he had taken part in the Plan of Campaign, or because he had been unable to farm satisfactorily, because he had been thriftless, or because of the hundred and one reasons which their Lordships were aware of, was now to be allowed to come on to a farm in any part of the district in which he was to be placed, as good as any farm occupied by his neighbours, but he was to pay, because he was an evicted tenant, a smaller annuity on behalf of that holding than any of the surrounding farmers. A more extraordinary proposal, he thought, had never been put forward. It was putting a premium upon the thriftless tenant as against the industrious tenant, and it would naturally create discontent amongst the surrounding farmers if they found that the thriftless man was to enjoy greater advantages than were enjoyed by industrious tenant farmers. The loss to be made good by the Act of 1903 was with regard to the condition of the farm itself and the district, but the difference between that and the proposal in the present Bill was that in the latter case it was not with regard to the condition of the farm, but with regard to the condition of the man himself, that the loss was to be made good. How did His Majesty's Government propose to make good that loss? They were told that it was to be made good out of what was recognised in the Act of 1903 as a bonus. As their Lordships knew, the bonus in the Act of 1903 was voted for a specific purpose. It was to facilitate the transfer of land between the owner and the occupier, and—if he might use the expression—to bridge over the gulf which necessarily must exist in making up the loss which the owner would sustain unless he got his share of the bonus to make up the difference. Therefore the bonus in the Act of 1903 was money paid for a specific purpose, and His Majesty's Government at the present moment proposed to break into that bonus, yet they did not mention any specific sum which they proposed to take for the purpose of meeting this loss. He would like to ask the Lord President of the Council what was the sum which His Majesty's Government proposed to take from the so-called bonus, because he thought their Lordships would agree with him that upon the whole it was but right that that sum should be limited if it was to be voted from a sum of money ear-marked to be permanently used as a bridge between owners and occupiers. He was not going to suggest any sum. He thought it was a very curious principle to take a sum of money ear-marked for one purpose and use it for an entirely different purpose, and yet not give any idea in the Bill as to what that sum was to be. As he had said, he did not propose himself to mention what the sum ought to be, but he certainly thought it ought to be mentioned in the Bill. He proposed to eliminate this clause because the position in which he found himself was a somewhat difficult one. He was not in a position to move what the sum should be, because in all probability the question of privilege would be raised. Therefore the only alternative was to ask their Lordships to eliminate the clause from the Bill. He hoped, however, that the noble Earl would not think that in doing so he was disapproving of the whole of the clause. He merely moved the Amendment, as he said, because it was not in his power to deal with the question of what the sum of money should be, but he hoped that the noble Earl would accept the elimination of the clause, and that, when the measure came up at a later stage, he would be able to give them further information as to what the proposals of himself and his colleagues were, and perhaps to give them some idea as to the limits of the sum proposed to be taken. He begged to move.

Amendment moved—

"To leave out Clause 5."—(*The Marquess of Londonderry.*)

*THE EARL OF CREWE: I quite understand the object of the noble Marquess in moving this Amendment at this time. Obviously, he would not wish to cast the clause aside altogether, because if that were done it would make it impossible for the Estates Commissioners to offer to the landowner a higher price than that at which they were able to re-sell. Nor do I think that I need repeat what I said on the Second Reading as to what I considered the general justification for drawing on the Land Purchase Fund—the bonus fund—for a moderate amount for this special purpose. We think that the sum left being considerable, and the sum asked for not being large, it is fair to ask the landlords of Ireland as a whole, who sooner or later will profit by the balance of that fund being distributed to them *pro rata* in the form of bonus, to contribute thus far towards a settlement of this question. Of course, as the noble Lord well understands, and as in fact he has shown that he fully understands, it is quite impossible for us on this side of the House to name a sum of money with a view to its insertion in the Bill, because that would obviously constitute a marked breach of the privileges of the other House. But I have no objection to telling the Committee and the noble Lord that my right hon. friend will be quite content if the limit of £100,000 is placed in the Bill; and I believe, therefore, that he will take steps to see that that is done when the Bill returns to the House of Commons.

THE MARQUESS OF LONDONDERRY said that he fully recognised the spirit in which the noble Earl had met his proposal; but at the same time he was bound to say that £100,000 was a very large sum to take away from a fund earmarked for a particular purpose, and to devote to another purpose. However, after what the noble Earl had said, he would withdraw his Amendment.

Amendment, by leave, withdrawn.

Clause 5 agreed to.

Clause 6:—

*LORD CLONBROCK moved an Amendment mainly to provide that the home farm should be secure from acquisition, even although not immediately adjoining the owner's demesne, and also in all cases where it was customarily occupied with his residence. He said the object of his Amendment was to define more closely the description of the land which it was proposed to exempt from the operations of the Estates Commissioners, and to introduce some further restrictions. There were a number of consequential Amendments, and he thought it better, therefore, instead of moving each one separately, to explain the various points at once. As the clause stood in the Bill, it provided that no untenanted land should be acquired compulsorily which formed part of any demesne, home farm, and so on. He proposed to insert after the word "which" the words "is or" so that it would read "which is, or forms part of any demesne" and so on. Then there was a class of land which was valuable not only to the landlord but to the neighbourhood, namely, "townparks," or land which was in the immediate proximity of a town, and he thought that that also ought to be excluded from the operations of the Commissioners, and also building land, because it clearly was to the advantage, not only of the landlord but also of the inhabitants of the town, that that land should be reserved for building purposes. Then there was land which had a special value, either from proximity to a town or other place, or as accommodation land. Considerable distinction, he was told, was made legally between accommodation land and land valuable from proximity, and therefore he had included both terms in his Amendment. Land might not only be valuable from proximity to a town, but might also be very valuable in the case of accommodation land as being worked by the landlord in connection with his own demesne. It very often happened that the home farm was inside the demesne, and then there was no question about it. Under other circumstances it very often happened that from the demesne not being well adapted for tillage the home farm was situated outside it, and even sometimes not immediately adjoining it, but at a certain distance. He knew of a case where that occurred, and it showed how necessary it was to guard against the action of the Commissioners that in that particular case the Estates Commissioners refused to consider the whole of the remainder of the property unless the landlord agreed to throw in this farm with it, which he had to do at very considerable inconvenience, his demesne not being fit for tillage. He thought that was a case well deserving of exemption. In other cases there might be a considerable extent of land, which a landlord who farmed largely was in the habit of working in connection with his demesne. Cases of that kind had already been mentioned. Such a landlord would be a great employer of labour, and it would be a great loss to the neighbourhood that such land should be taken from him and divided, for it was quite clear that then the labourers would be turned out of employment, to their very considerable loss. It might be said that those labourers could be provided for on some of this land, but the land would not hold more than a certain number of people, and if the labourers were to be provided for there would be no room for the evicted tenants, and *vice versa*. He thought everyone would agree that it would be a misfortune that such large farming operations should cease in any part of Ireland, not only in the part with which he was best acquainted—for the landlords were almost the sole employers of labour. Farms, as a rule, were small, the farmers did not till, and they employed very little labour except during the haymaking season, or at odd times in the summer. In such cases it would be a great disadvantage that large farming operations should cease, and it would be, on the other hand, a great advantage for the country that they should have a farm properly worked as an example in their midst. Apparently hopes were entertained that what Mr. John Stuart Mill used to call "the magic of property" would induce the new tenant purchasers to till their land. He should rejoice at such a result. But they were not people easily receptive of new ideas, and tillage had fallen off in a most remarkable degree for a considerable number of years. He remembered a conversation with a man well known to most of their Lordships—at least by name—the late O'Conor Don. He had driven with O'Conor Don and with Mr. Wyndham, when the latter was Chief Secretary to the Lord-Lieutenant, through parts of the county of Roscommon—by no means the congested parts, but parts where farms were very much of the same size as those proposed to be established now for evicted tenants or for ordinary tenant purchasers, averaging, say, thirty acres. On that occasion O'Conor Don had remarked, "I remember the whole of this under tillage; look at it now. There is now a little patch round every man's house. Therefore give the people more land if you like, but do not think they will till it if you do, or at least do not be confident of it." And he was sorry to say that in his experience that prophecy had been very often fulfilled. In his own county of Galway farms had been divided among

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tenant purchasers; and the first thing those men had done had been to meadow the land, cut the hay and sell it, with the result that two years ago very fair hay was to be bought for 15s. a ton, and the supply of it considerably exceeded the demand. Again, he had heard of milch cows being brought in for sale by these men, and people being entreated to buy them, in such a state of starvation that there ought to have been a prosecution for cruelty to animals, the reason being that they had sold the hay in the summer and had nothing to give their animals in the winter. With such instances as that before them, it was really important that there should be some people in the country who worked the land in the way it ought to be worked; but that was really only done by landlords farming a farm largely, as a great many would do if they were allowed. But if the land was to be taken away from them in the way suggested by the Bill, naturally the whole of the farming operations would be dislocated, and the labourers, as he had said, would suffer. He trusted, therefore, that their Lordships would allow the insertion of the words which he proposed.

Amendments moved—

"In page 5, line 25, after the word 'which,' to insert the words 'is or' and after the word 'farm' to insert the word 'townpark' and leave out the word 'or.'"

"In line 26, after the word 'pleasure' to insert the words 'or building' and after the word 'ground' to insert the words 'or which possesses an exceptional or accommodation value to the owner in connection with his farming or owing to its proximity to a town or otherwise.'"

"In page 5, line 32, to leave out the word 'immediately' and leave out the word 'and' and insert the word 'or.'"—(*Lord Clonbrock.*)

*THE EARL OF CREWE: We are able to accept the first Amendment which the noble Lord mentioned in his very interesting speech, and also to meet him to some extent upon others. The first Amendment seems quite a reasonable one.

THE EARL OF ONSLOW: I had better put the Amendments to the House one by one. The question is after the word "which" to insert the words "is or."

On Question, Amendment agreed to.

THE EARL OF ONSLOW: The question is, after "farm" to insert "townpark."

Amendment agreed to.

THE EARL OF ONSLOW: The question is, that the word "or" stand part of the clause."

Motion negatived.

LORD ASHBOURNE said he understood that "townpark" was now included.

*THE EARL OF CREWE: Yes. Then as regards building land we assent to the principle, but we do not think that the phrase "building ground" is one which has any distinct meaning.

LORD ASHBOURNE: "Building land."

*THE EARL OF CREWE: It is very difficult indeed to define building land. Would the noble Lord accept the words "or ground proposed to be let or sold for building sites"?

LORD ASHBOURNE: If "intended" was put in instead of "proposed" it might do.

*THE EARL OF CREWE: If noble Lords will not accept that, would they accept "ground suitable for building sites"?

LORD ASHBOURNE: That would do.

*THE EARL OF CREWE: I am afraid we cannot accept the Amendment as to accommodation land. It seems to me to be too wide. The noble Lord spoke of land forming part of the home farm, even though it was not part of the demesne, but that surely would be covered by the words "home farm," because there is nothing in Clause 6 as i stands which makes it necessary for th. home farm to be inside the demesne and therefore if the land was used as demesne, though outside, I imagine it would be included.

*LORD CLONBROCK: I quoted an instance where the Estates Commissioners had refused to recognise a piece of land as a home farm because it was not immediately adjoining the demesne, and had refused to consider the whole property an estate unless the landlord gave up that particular farm to be divided, though it was the only farm he had for tillage. It was not touching the demesne, but within a quater or half a mile of it.

*THE EARL OF CREWE: It is very difficult, as the noble Lord will understand, to say whether a hardship existed in a particular clause or not, and it clearly would not be possible for the Estates Commissioners to include every farm which the landlord might happen to have in hand at any distance from his home or demesne. I will certainly consider if anything can be done to meet a case of that kind, but we do not like the words as they stand.

*THE MARQUESS OF LANSDOWNE: Does the noble Earl object to the omission of the word "immediate"?

*THE EARL OF CREWE: We do.

THE MARQUESS OF LANSDOWNE: And also to the addition of the words "accommodation land"?

*THE EARL OF CREWE: Yes; we do not agree to leave out "immediately" or to leave out "and" and insert "or."

THE EARL OF ONSLOW: Might I suggest that it would be better if the Amendments were agreed to and settled, and then the other matters considered afterwards?

*THE EARL OF CREWE: Perhaps the noble Earl at the Table will take the building Amendment.

THE EARL OF ONSLOW: What are the exact words?

*THE EARL OF CREWE: The words are after "pleasure" to insert "or ground suitable for building sites."

Amendment agreed to.

THE EARL OF ONSLOW: Perhaps the other words could be considered before Report.

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LORD ASHBOURNE said he did not know why the noble Earl was making a fuss about the word "immediately," or what was the supreme difference which made him happy with one and unhappy with the other. Whether the land adjoined or did not adjoin, there was surely no magic about the word "immediately."

*THE EARL OF CREWE: What is meant by "adjoining" I frankly confess I do not know, neither do I know what is meant by "immediately adjoining"—neither do I know whether there has been any legal decision on the subject. Supposing an estate to be in a ring fence of 100,000 acres, the whole acreage would be in one sense "adjoining," but not within the meaning of this Bill. These words are taken, I think, from one of the Labourers Acts. I think they are taken from the Labourers Act of 1883, and therefore I suppose that they have come before various Courts of law.

LORD ASHBOURNE imagined that the person who had originally used the expression was not a Mede or a Persian.

THE EARL OF CREWE: I hope the noble Lord will not insist upon the insertion of the word "immediately."

THE EARL OF ONSLOW: Do I understand that the noble Lord withdraws his Amendment?

LORD CLONBROCK: No. I attach great importance both to the omission of the word "immediately" and to the insertion of the word "or."

*THE EARL OF CREWE: I am afraid we cannot agree to the word "or" instead of "and," because that, I think does alter the case. The words are "any home farm or land immediately adjoining and customarily occupied with his residence." That is the point with regard to which I said I would see if there were any means of meeting the noble Lord. But the word "or" is far too wide, because it would include land on any part of the estate.

LORD CLONBROCK said he really must hold to the word "or."

LORD BARRYMORE said it would create a very great hardship unless the power was unlimited. He would suggest that the three words should be left out—"immediately adjoining and"—because there were plenty of farms which were worked in with a demesne which were neither "immediate," nor "adjoining," but some slight distance off, but which nevertheless were "customarily" worked with the home farm, and if they left in the words "customarily occupied with his residence" he thought they might safely and justly leave out "immediately adjoining and."

THE MARQUESS OF LANSDOWNE: I hope the noble Earl will consider whether some means cannot be found of meeting the objections of my noble friends. I put it to the noble Earl that it is very undesirable to do anything which will have the effect of discouraging what I would call *bona fide* farming by landowners. If you can find a large landowner—such as the late Lord Bessborough, whom I daresay my noble friend remembers—who takes an interest in farming, and farms on a large scale, the effect of that is most exemplary and admirable for the whole neighbourhood; and therefore men of that kind should receive whatever encouragement we can give them. They are large employers of labour, and for that reason alone deserve consideration. But I am sure noble Lords do not want to push that too far. The case which I understand they have in their minds is a case where a landowner has been engaged in what I call *bona fide* farming operations, but where his farm happens to be not in immediate contact with his residence or with his park. I gather from what Lord Clonbrock told us a moment ago that a case of that kind has actually arisen, a case in which there was not this point of contact between the farm and the demesne, with the result that the unfortunate owner was heavily mulcted in this sense, that he was not allowed to pursue the transaction for the sale of the whole of the property any further until he surrendered the land which he had himself been farming. I do not know whether the actual words which my noble friends have put down are exactly the most appropriate; but I cannot help thinking that some means ought to be found of meeting the case they have brought before the House.

*THE EARL OF CREWE: I certainly will think that point over, and see if any form of words can be found which would meet a hard case of the kind mentioned by the noble Marquess, without opening the door too wide and letting in very large tracts of land which might be kept in one hand, which I think ought not to be kept out of the purview of the Bill. Before the next stage of the Bill I will consult my right hon. friend, and see if there is any *via media* in the matter.

THE EARL OF ONSLOW: Before we part with the clause, I understand the noble Lord to agree not to move the insertion of the words "or building"; but that, instead thereof, he accepts the proposal of the noble Lord the Lord President after the word "ground" to insert the words "or ground suitable for building sites."

LORD CLONBROCK: Yes.

THE EARL OF ONSLOW: And also the noble Lord does not press at the present stage to leave out the word "immediately"?

LORD CLONBROCK: No.

*THE EARL OF CREWE: And also the substitution of "or" for "and."

THE EARL OF ONSLOW: Yes.

Amendments, by leave, withdrawn.

LORD ASHBOURNE moved the addition of the words: "Save by agreement with the owner, such lands only shall be selected as immediately adjoin or are accessible from the existing public road;" "The owner may offer an alternative site, which the Estates Commissioners shall fully and fairly consider." He thought the noble Earl would undoubtedly at once recognise the phraseology of his two Amendments. They were taken from the Labourers Act, as were a great many of the words which were found in the clause under discussion. The Labourers Act provided that no land was to be taken compulsorily for a labourer's cottage unless it was accessible from a public road. That was one of the Amendments he had put down, and he supposed there was no objection to it. It was obviously not desirable that land should be compulsorily taken in the middle of a man's estate, but that it should abut on a public road; otherwise, there might be great difficulty, and no convenience would be given. The principle had been in operation for a number of years in Ireland, and his noble friend, Lord Denman would be acquainted with the Acts in which it was embodied. That was his first Amendment. If he was in order in mentioning the second, he might say that it was also taken from the Labourers Act, and he thought it was a matter that had worked extremely well. He had presided at so many appeals for so many years that he had considerable personal knowledge of these matters. The power for an owner to give an alternative site if he did not approve of the particular one selected had worked most beneficently and had led to a great many satisfactory adjustments. The owner said: "Do not take that; it is my best field; I use it for access for my cattle for water, but I will give you just as good a site abutting on a road near to water." That had led to a settlement over and over again, and all he sought in his Amendment was that the owner should have power to offer a second site in the event of his not approving of the one chosen by the Commissioners. He hoped the noble Lord would consider his Amendments.

Amendments moved—

"In page 5, line 36, after the word 'possible' to insert the words 'save by agreement with the owner, such lands only shall be selected as immediately join or are accessible from an existing public road.'"

"In page 5, line 36, after the word 'possible,' to insert the words 'the owner may offer an alternative site, which the Estates Commissioners shall fully and fairly consider.'"—(*Lord Ashbourne.*)

Lord DENMAN did not think that this particular case was quite on all fours with the case of the Labourers Act, as the noble and learned Lord would suggest. Clause 6 of the Bill was from the Labourers (Ireland) Act, 1883. The noble and learned Lord's Amendment, he understood, was taken from Section 3 of the Labourers Act, 1886.

Lord ASHBOURNE said that that made no difference.

Lord DENMAN said that the section of the Act of 1886 was found, even in the case of a labourer's cottage, to cause such inconvenience that it had been later on amended. He did not think he could give the details. Therefore the Government were of opinion that the proposed Amendment would hamper them in the operations of the Bill.

Lord ASHBOURNE asked in what way.

Lord DENMAN said he would try to explain. In many cases they might wish to acquire land that was not on a road—that was to say, it was upon a mountain side or did not adjoin a public road at all. He believed the Estates Commissioners had power to make roads.

Lord ASHBOURNE said that that was not in the Bill.

Lord DENMAN thought that under the Acts with which the Bill was read they had power to make roads.

Lord ASHBOURNE said he would not contradict the noble Lord, for he did not know.

Lord DENMAN said that that was his information, but if the noble and learned Lord said it was not the case, no doubt he had ground for saying so. He was informed that the principle which applied in the case of the acquisition of land by local authorities for labourers cottages did not apply in the present case, because local authorities had no power similar to that possessed by the Estates Commissioners to make roads.

Lord ASHBOURNE said that no doubt it was his own fault, but he did not understand the objections made to his proposals, which were submitted in perfect good faith, and in the interests of peace and harmony. If the noble Lord would think for a minute, he would see that his arguments were unanswerable. What right would anybody have to select land in the middle of a man's estate or farm that was not approachable by a road? The matter was surely one of common sense. It might lead to the most frightful inconvenience and the grossest injustice if a man was sent to pick out part of a man's property in the middle of his farm and to say, "We will take that although there is no road to it." It was to obviate that inconvenience that, no matter what the Labourers Act might say, he was proposing that the land should be selected so as immediately to adjoin, or to be accessible from, an existing public road. Why should it not? Surely it was almost nonsense to suggest that the Estates Commissioners were to be at liberty to take land not approachable from anywhere except by a balloon. He did not understand the objection. It did not convey any meaning to his mind, and he thought he understood the way in which these matters worked. He did not know whether the noble Lord also objected to his second Amendment of offering an alternative site. It was obviously in the interests of peace, harmony, and good will. Why should not a man be at liberty to say "Do not take that farm; it will destroy all my family arrangements; I will give you another just as good, accessible from a road, and near water and all the other things which are so advantageous"? Someone or other had told the noble Lord that these Amendments were unacceptable. He wished the noble Lord would tell that somebody that he (Lord Ashbourne) did not understand the objections.

THE EARL OF MAYO said that no doubt the noble Lord in charge of the Bill would remember that exactly the same point arose in the Labourers Act of last year, and the noble Lord accepted an Amendment that the particular labourer's cottage should be accessible to wheeled vehicles. That was done because it would create a tremendous difficulty if there were only a path there, and if that path in this case was interfered with he did not see how the matter could be arranged at all. But if a provision were put in in the same way as in the former Act—that it should be a road accessible to wheeled vehicles—the difficulty might be got over, because they did not, after all, want to take a patch of land and then not be able to get at it in any way. As had been pointed out by the noble and learned Lord, if a man wanted to drive his cattle to water or to market objections might be made, and surely it was only reasonable that there should be some accessibility to the bit of land proposed to be taken.

*THE MARQUESS OF LANSDOWNE: I should have thought that this Amendment was a thoroughly innocuous one even if it was not urgently called for, and that His Majesty's Government would have been glad to accept it in order that the arrangements under the Bill should work without friction and harmoniously. Nothing could be more likely to create friction than to place any of the new tenants in a position in which they could not have access to their farms except by trespassing upon somebody else's property. I should have thought that from that point of view alone the Amendment might have been accepted.

*THE EARL OF CREWE: Of course, the parallel with the Labourers Acts is not really a very complete one, because under those Acts only very small sites are taken, whereas by this Bill obviously a considerable tract of country might be acquired. I quite well remember what the noble Lord alluded to as having taken place last year. I think, if I remember rightly, it was his own Amendment, and it was found to be inconvenient that only sites should be taken which were approachable from a public road, and, therefore, an Amendment was agreed to stating that access should be made possible to some form of vehicles, which, of course, included all sorts of cartroads and accommodation roads, and which therefore, enlarged the scope of the Bill. But I do not know that that would be very much help in this instance. I imagine that what the Estates Commissioners had in their minds in saying that this provision might in some cases be a convenience to them would be the kind of case which would arise, I should have thought, certainly in nineteen cases out of twenty, in which, supposing the operation to be carried out, it would be done by agreement—namely, when they desired to acquire a large tract of land say on the side of a mountain or something of that kind.

LORD ASHBOURNE: I admit the large tract of land.

*THE EARL OF CREWE: And to make a road themselves, which is a power they have under the Act of 1903.

LORD ASHBOURNE: I am satisfied if the noble Lord will consider it before the Report stage.

*THE EARL OF CREWE: I will do that. As regards the noble Lord's other Amendment I think that if inserted at all it ought to form a new clause, but I do not know whether the noble and learned Lord really thinks it necessary. We cannot, of course, object to the substance of it in any way, but I should have thought that in all cases negotiations would take place between the owner and the Commissioners before compulsory powers were put into force. Nobody supposes the Estates Commissioners are going to say, "Here is a piece of land and we are going to take it." The whole thing would be the result of negotiations, and it would only be after the fullest negotiations with the landlords that compulsion would be put in force. But we cannot object to the noble Lord's Amendment if he would not mind putting it in separately as a new clause.

*THE MARQUESS OF LANSDOWNE: My noble and learned friend's suggestion seems valuable, for this reason amongst others. A great deal of dissatisfaction has been caused recently owing to the fact that the inspectors of the Estates Commissioners have been in the habit of making—I will not say surreptitious visits—but visits with very little publicity about them, to estates where there were thought to be opportunities for reinstating evicted tenants. We want to guard against that, and to have all these proceedings as far as possible conducted in the light of day, and in such a manner that at an early stage of the proceedings the landowner, if he has an offer to make, may have an opportunity of making it. Now, as I understand, the addition of these words would give every landowner an opportunity at the very outset, when he found that the inspector proposed to expropriate him from a particular portion of his estate, of saying, "Well, if you want land in this neighbourhood I can give you something which will suit you quite as well, and me a great deal better." The earlier the stage at which the landowner is empowered to make a proposal of that kind the better I think for everyone's convenience.

THE EARL OF ONSLOW: I understand the noble Earl accepts the first Amendment.

*THE EARL OF CREWE: Yes. I should like it put in as a new clause.

LORD ASHBOURNE: I admit that it errs on the ground of common sense as I have put it in, but the noble Earl can have it translated into a somewhat more lengthy form on the Report stage.

THE EARL OF ONSLOW: The question is "That in page 5, line 36, after the word 'possible,' to insert the words, 'Save by agreement with the owner such lands only shall be selected as immediately adjoin or are accessible from an existing public road.'"

On Question, Amendment agreed to.

THE EARL OF ONSLOW: Then with regard to the second Amendment?

*THE EARL OF CREWE: That stands over.

THE EARL OF ONSLOW: The Amendment is, by leave, withdrawn.

LORD ASHBOURNE was afraid that was wrong. He had said that he would not put the first—that was, about the access to a public road. But the second he understood the noble Lord to accept.

*THE EARL OF CREWE: Yes, we accept that.

Clause 6, as amended, agreed to.

After Clause 6:—

LORD INCHIQUIN moved to insert a new clause providing that where any land was compulsorily purchased or taken under the Act all sporting rights hitherto enjoyed by the vendor, if he so desired, should remain vested in him notwithstanding such purchase. He said it was quite possible that the provision of the clause might be covered elsewhere in the Bill, but he had been unable to discover that that was the case, and therefore he had put the Amendment upon the Paper. Clause 16 of the Bill said—

> "This Act may be cited as the 'Evicted Tenants (Ireland) Act, 1907,' and shall be construed as one with Part I. of the Irish Land Act (1903)."

It was quite possible that the provisions of that Act might deal with the sporting rights under the present Bill, and, if so, it would save time if one of the noble Lords opposite would say so.

Amendment moved—

> "To insert the following new clause:—'Where any land is compulsorily purchased or taken under this Act all sporting rights hitherto enjoyed by the vendor shall, if he so desires, remain vested in him notwithstanding such purchase.'"—(*Lord Inchiquin.*)

*THE EARL OF CREWE: What would happen would be, that the sporting rights would be in all cases vested in the Land Commission, as in the Act of 1903.

LORD INCHIQUIN inquired whether there was power in that Act to reserve those rights.

*THE EARL OF CREWE: Quite so.

LORD INCHIQUIN desired to know whether that was so in this Bill.

*THE EARL OF CREWE: No, they are vested in the Land Commission.

LORD INCHIQUIN said that in that case he would have to press his Amendment, because he thought it was right that the landlord should retain his interest; it would chiefly apply to untenanted land adjoining the estate, where there was game, and it might also apply to fishing rights. It might happen, of course, in a great many small cases that the landlord had the sporting rights on the banks of a river and that they were suddenly interrupted by a farm which did not belong to him; and he thought that would be most unfair. In the Act of 1903 the landlord had power to reserve his sporting rights, or to sell them to the Estates Commissioners, or to pass them on to the tenant, or to sell them to private individuals. He had practically an absolute right to do what he liked with his own; and naturally that was a fair thing to do here—it might be a very valuable right.

*THE MARQUESS OF LANSDOWNE: Here again, I venture to intercede with the noble Earl in the interests of peace and good understanding when this Bill becomes law. What could be more likely to lead to trouble than that a single evicted tenant should be given a farm with full sporting rights upon a patch of untenanted land belonging to the landlord? The whole of the sporting rights all round it belong to the landlord, and you create arbitrarily in the middle of his property a little island where he has no right to exercise rights, which he has in fact always exercised without question. If, under the Act of 1903, we provided for an arrangement under which all these sporting rights might remain in the landlord's hands, surely, by parity of reasoning, in this case it is desirable that the landlord should have an opportunity of keeping in his own hands a privilege to which he attaches a very great value.

*THE EARL OF CREWE: As I read the Act of 1903, it can only be done by agreement between landlord and purchaser. The landlord cannot absolutely say that he will retain the rights.

*THE MARQUESS OF LANSDOWNE: But can he refuse to sell?

*THE EARL OF CREWE: He can refuse to sell—no doubt he has that lever—but if he sells he cannot, as a part of the transaction, retain the sporting rights except by agreement, and in the absence of agreement they are vested in the Land

Commissioners. That provision clearly would not be of much use to noble Lords in this case. I should like to put this point to the noble Marquess. After all, all sporting rights are practically everywhere exercised by goodwill and agreement, and if the landlord in all cases captures the sporting rights, so to speak, as a preliminary to the replacing of some tenant on the land, I should have thought it would have been very much more difficult for him to agree with the evicted tenant who had come there, and who, after all, in many cases could make the really valuable exercise of those rights almost impossible; because it is common experience that nobody can exercise sporting rights anywhere except with the goodwill of the farming tenants. I should have thought he would have had a far better chance of doing what he would wish to do through the medium of the Estates Commissioners, who, in the kind of case mentioned by my noble friend (Lord Inchiquin)—of valuable fishing rights—would clearly reserve those rights to the landlord. What would take place in such a case as that is obvious. The rights are placed in the hands of the Comissioners, who can deal with them according to the equities of the particular case. But I do not believe that it would tend to the peace and quietness which we should all like to see if it became an absolute right of the landlord to insist upon retaining them against the wish of everybody else.

Lord INCHIQUIN did not think the noble Lord was quite right in what he had said about the section in the Act of 1903. He had drafted that clause himself, and his impression was that the landlord had the power first of all to retain in his own hands all sporting rights; he had the power to sell them to any private individual, to sell them to the Estates Commissioners, or to sell them to the tenant. He was not quite certain, but that was his recollection. What the noble Lord proposed to do now was to transfer those sporting rights from the landlord to the Land Commission and say, "Now you can go and bargain." Why hand them over to the Land Commission and then start bargaining? It seemed grossly unjust.

***The Earl of CREWE**: May I read the words of Section 13 of the Act of 1903—

> "Where, at the time of sale of any land to the Land Commission or to tenants or others, the vendor has, subject to the provisions of the Ground Game Act, 1880, sporting rights, exclusive of the tenant, those rights may, by agreement between the vendor and purchaser be either conveyed to the purchaser or be expressly reserved to the vendor."

That is a matter of agreement. Of course the noble Marquess can point out that the landowner has that lever, but he cannot begin by saying the sporting rights are to be in any event regarded as being the absolute property of the landowner;

> "and in the absence of such agreement those rights shall be vested in the Land Commission, and the Land Commission may deal with the same, subject to regulations to be made by the Lord-Leiutenant."

That is the analogy that we go on here.

The Earl of DONOUGHMORE appealed to His Majesty's Government not to be quite so strict upon this point, for another reason than that which had already been mentioned. He was sure that if this Amendment was accepted, the Bill would work much more smoothly, because they would find that landlord after landlord would be ready, without the compulsory powers being put in force, to sell the land along a river if they were absolutely certain of having the fishing rights along that river, but those same landlords would fight tooth and nail rather than give up a hundred yards of fishing if the position was left as it was. The noble Earl had read the section of the Act, and he (the Earl of Donoughmore) understood the position to be that at present the landlord had to bargain with the purchaser, and if he failed to agree with the purchaser, the rights were vested in the Land Commission. Evidently what the Government intended was that the Land Commission should be able to say: "I am the purchaser, and I get these things for nothing, therefore I will not agree with you about anything." He thought that was a very mean position for the Land Commission to take up.

*THE EARL OF CREWE: I really must interrupt the noble Earl, because I am perfectly certain that that is not the opinion of the Government or of the Estates Commissioners. The opinion of the Estates Commissioners, I think, was that it would not be nearly so easy for the landlord to bargain directly with a newcomer, or a returned evicted tenant, and that, therefore, the sporting rights should be, so to speak, deposited with them with a view to an arrangement being come to through them. That is what I understand to be the intention.

THE EARL OF ARRAN said that there were certain very valuable assets in the shooting rights, and if the Estates Commissioners did not propose to allow anything to the landlord for them, the landlord would not only lose his land, for which he was paid, but the very valuable sporting rights for which he had got nothing.

On Question, "That the new clause stand part of the Bill," their Lordships divided:—Contents, 102; Not-Contents, 26.

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Clause 7 agreed to.

Clause 8:—

*LORD DUNBOYNE moved to amend the clause so that no holding purchased by an evicted tenant should be made available in any bankruptcy or by any "other" proceeding of law to pay any debt contracted by the evicted tenant prior to the date of the order vesting such holding in him. He said that this Amendment was little more than a drafting Amendment to make clear what he believed to be the intention of the clause. He thought the Government must not be surprised if the clause did not give entire satisfaction to a certain class of persons in Ireland, namely, the small tradesmen, who would find by this and the next clause that the debts owing to them by the evicted tenants and which had been owing probably for years, were as completely voided as if the debtor had received his discharge in bankruptcy, or as if the Statute of Limitations applied. He left the responsibility of that with the Government. If the Amendment were agreed to the clause would read, "any other process or proceeding of law." As it stood, the Clause would imply that bankruptcy was not a proceeding of law, but he believed that most people were under a quite contrary impression.

Amendment moved—

"In page 6, line 15, after the second 'any' to insert the word 'other.'"—(*Lord Dunboyne.*)

*THE EARL OF CREWE: Undoubtedly this is a useful Amendment, and the Government will be happy to accept it, both here and in the next clause.

Amendment agreed to.

Clause 8, as amended, agreed to.

Consequential Amendment in Clause 9 agreed to.

Clause 9, as amended, agreed to.

Clause 10 agreed to.

Clause 11:—

THE EARL OF DONOUGHMORE in moving a proviso that "surplus lands" should not be sold to any person other than the vendor without such land having been first offered to such vendor, said that all that his Amendment desired to secure was that the person from whom the land was acquired should have power to take the land back at the *pro rata* price, the price being fixed according to the amount of land he took back as compared with what had gone from him. He thought it was only a fair provision that land taken for the purpose of this Act should be offered to the person from whom it was acquired before the Government used it for any other purposes not contemplated by the Act.

Amendment moved—

"In page 6, line 26, after '1903' to insert the words 'or may be resold to the vendor provided that no such land shall be sold to any person other than the vendor unless it shall have been offered to the vendor at the price for which it is so sold, and unless he shall have failed to accept the said offer within a period of one month from the date thereof.'"—(*The Earl of Donoughmore.*)

THE EARL OF CREWE: I do not think the wording of the noble Earl's Amendment is very clear, if he will excuse me for saying so. It says—

"To any person other than the vendor, unless it shall have been offered to the vendor at the price for which it is so sold."

But it has not been sold. The whole point is that it has not been sold to anybody. It is surplus land.

THE EARL OF DONOUGHMORE said it had been sold by the vendor to the Land Commissioners.

*THE EARL OF CREWE: The noble Earl means the price at which the Land Commissioners have purchased it?

THE EARL OF DONOUGHMORE: From him—yes.

*THE EARL OF CREWE: If the noble Earl would take it in another way, we might meet him. The word "vendor" is really not right here. Would the noble Earl take it in this way—" or may be sold to the person from whom it was acquired" ?

THE EARL OF DONOUGHMORE : Yes.

*THE EARL OF CREWE : I do not know whether it is necessary to go into the question of price. Of course the difficulty is to say exactly what price was given for that particular surplus land. Therefore I am afraid it is useless to put into the clause, "the price for which it is so sold." What the noble Earl really desires, I think, is some machinery for discovering the actual value *pro rata* of that particular piece.

THE EARL OF DONOUGHMORE : Yes.

*THE EARL OF CREWE : Perhaps the noble Earl will take into consideration how that could be done. We think it sufficient to say that the land may be re sold to the person from whom it was acquired, and it stands to reason it would be at the price at which it was acquired.

THE EARL OF DONOUGHMORE questioned whether it did stand to reason, and hoped that an attempt would not be made to make another profit out of the unfortunate owner. After all, it was only a question of words between himself and the Lord President of the Council, and therefore he would not press his Amendment now. He was sure the noble Earl would allow him to consult with him before the Report stage, and that they would be able to find suitable words.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 12 agreed to.

Clause 13 :—

LORD ATKINSON, in moving to omit Clause 13, said this clause as it stood, was about the most extraordinary of this extraordinary Bill. The Estates Commissioners were given the tenure of County Court Judges; and that tenure was, that they held on good behaviour, and they could not be removed except upon an Address to the Crown presented by both Houses of Parliament. The words "good behaviour" might to a certain extent mislead the lay mind; but they had, on different occasions, for the last sixty years received a construction which amounted to this—that the tenure could only be terminated upon intentional misconduct. The matter had been considered originally, on the first occasion which it was necessary to refer to, so far back as 1843. At that time, the conduct of Baron Smith, an Irish Judge, was brought before the House of Commons with a view to having an Address presented to remove him. It was then laid down by Sir Robert Peel that nothing was misbehaviour so as to subject him to removal except corruption, intentional moral delinquency, conscious partisanship, or perverting justice. Sir James Graham, on the same occasion, also said that the bad behaviour which justified the removal of a Judge was a badness of heart and a corrupt intention which had contributed to the defeat of justice; and Lord Palmerston said it was a gross perversion of justice by corruption, intention or incapacity — physical incapacity. The same meaning had been approved and adopted some three years ago in the case of an Irish County Court Judge, Mr. O'Connor Morris, and again last year when the conduct of a well-known Judge was before the House of Commons. Therefore, as it applied to County Court Judges, it would receive the same interpretation ; and it might be assumed that at present the Estates Commissioners were in the position that, except for some corrupt and wilful malfeasance in their office, they could not be removed. This was one of the particular instances in which the Government had gone out of its way, apparently for no obvious reason, to destroy one of the main and best features of the Act of 1903. In saying that it was one of the best features, he relied upon the testimony of everybody concerned ; that feature was, that the Commissioners should be administrative officers under the control of the Lord-Lieutenant, bound to carry out their duties in obedience to regulations made by him, and that their conduct should be subject to discussion in the House of Commons. There was not a single person who spoke upon the Bill of 1903 who did not lay stress on that circumstance. He would presently take the liberty of quoting to the House the language of Mr. Redmond on behalf of the Nationalists, of Mr. Wyndham, on behalf of the Government, and of Mr. Blake and Mr. Healy, all approving of the position in which the Estates Commissioners were then placed. The present Prime Minister spoke in the debate, but did not say one word in disparagement of or express the slightest dissent from what had been said, Mr. Redmond, speaking on the Second Reading of the Bill on 25th March, 1903, said—

> "This can hardly be considered a thoroughly satisfactory tribunal: one unsuitable man, one suitable man, and one unknown man. However, I heartily congratulate the right hon. Gentleman on the fact of its being a *non*-judicial tribunal. Nothing could do more harm to this measure than the impression that it would be run by any of the 'old gang,' whose conduct we are not allowed to discuss on the floor of the House of Commons. I am glad the right hon. Gentleman has made a departure in that respect, and that the officials will be servants of the Government whose conduct can be discussed on the floor of the House of Commons."

On 1st July, 1903, in Committee, when a Motion had been made to put the other Commissioners on a footing of exact equality with Mr. Wrench, Mr. Wyndham, then Chief Secretary, and speaking on behalf of the Government, expressed himself thus—

> "During the long conferences which preceded the introduction of the Bill and on almost every clause, he had laid the greatest stress on the administrative character of the new Commission. That the new Commission should be of an administrative character was not merely his personal opinion, it was an integral part of the policy of the Government. He could not have persuaded his right hon. friend to sanction the use of large public funds for purely executive work, except upon the basis that those who administered them were in a very real sense executive officers, subject, on matters of policy, and in the economic and proper use of its funds, not only to the control of the Government, but to the criticism of the House. That placed an initial bar in the way of giving to the Estates Commissioners a tenure which would be to all intents and purposes a judicial tenure. If they had such a tenure the fact of their salaries appearing on the Votes would not place them in the position of executive officers."

Mr. Blake, Mr. Healy, and Mr. Dillon all expressed themselves thoroughly satisfied with that; and the result was that Section 23 of the Act of 1903 provided that the Estates Commissioners should do as all civil servants and military servants of the Crown *prima facie* did, namely, hold their offices at the pleasure of the Crown. But they had this additional protection—that that pleasure was to be expressed by order of the Lord-Lieutenant, which was to lie upon the Table of the House forty days, and if any person moved an Address in the interim it could be acted upon. Now that tenure, it appeared, was not good enough. He did not know why they should wish it to be strengthened, unless indeed it was in reference to the discontent of the 5,000 claimants who might be rejected, and who probably would show anything in the world but confidence in the decision of the Commisioners. He thought that in some of his observations the noble Earl had said that these Commissioners had a judicial rather than an administrative position. In one sense, that was true, but in nine-tenths of its application it was absolutely incorrect. The duties of a Judge they had not; they did judicial acts, no doubt; but, what was a judicial act? A judicial act might be roughly defined as being not necessarily an act done by Judges, but an act done by competent authorities, on consideration of the facts and circumstances, imposing liability upon, or affecting the rights of, other people. There was not a single magistrate who did not do judicial work; there was not a single arbitrator appointed under the Lands Clauses Act, the Housing of the Working Classes Act, or the Allotments Act who, in deciding upon questions of compensation, did not do judicial work, which was a "judicial act." There was not a single auditor appointed and engaged in auditing the accounts of Poor Law guardians and other such bodies who, in certifying as to charges to be made against certain bodies, did not do a judicial act. But who ever suggested that these auditors, these arbitrators, and these magistrates should hold their offices during good behaviour and be irremovable except upon an Address by both Houses of Parliament? The great virtue, no doubt, of the Judges of the superior Courts was that they were removed from the influence of hope and fear by having a permanent tenure. But the great merit of an executive officer was that, although he was an officer who no doubt would tender advice to a superior, nevertheless, as regarded that superior, he would have no will or opinion of his own, but would suppress himself and carry out loyally and faithfully the wishes and policy of his Ministerial superior. From what the noble Lord had said, one would fancy that these Estates Commissioners were engaged the greater part of their time in doing judicial work; but nineteen-twentieths of their duties were administrative. What really were their duties? They bought estates; they sold estates; they improved estates; they built houses and made roads; they made grants to individuals; they divided farms, and regulated peat-bogs; and they settled boundaries. Let the House imagine two Estates Commissioners settling a peat-bog and saying, "We don't care what anybody thinks; we don't care what the Lord-Lieutenant may think; we think so-and-so, and, though it may make a commotion in the district, we will adhere to our decision." If they were honest in that decision, and if, carried away by egotism or vanity, or influences of that sort, they honestly decided something, even though that decision was against common sense, prudence, reason, and justice, they could not be removed under the doctrine laid down with regard to the irremovability of Judges. They could buy estates at any price they pleased, and they could make grants and loans to evicted tenants; and, at a time when there might be financial pressure, they could spend millions and millions of money. And, if called to account, they could turn round and say, "We are irremovable, we cannot be removed except we are guilty of misbehaviour, and misbehaviour is intentional wrongdoing. We are honest in our opinions although everybody thinks them nonsensical; and we cannot be disturbed." Up to now, he had assumed that Section 23 of the Act of 1903 did not apply. It must either apply or not apply. If it did not apply, it placed the Commissioners in an absurd position. But the absurdity did not end there: they were members of the Land Commission; and, as members of the Land Commission, which was a great spending body, they were bound to account to the Treasury. But, while they were bound to account to the Treasury, they might disregard the wishes of the Treasury. In addition to that, if Section 23 of the Act of 1903 did not apply it placed them in an absurd position for any executive officer. If it did apply, their position was, if possible, more ridiculous. For, while they were to be under the control of the Lord-Lieutenant, he could not disturb them without an Address to the Crown. They were to act according to his regulations, but they might disregard his regulations; and if they disregarded his regulations honestly believing that those regulations were illegal, they might be in a position of absolute defiance of the authority whom they were bound to obey. The truth of the matter was that, while executive officers were removable and justly removable on the ground of want of discretion, want of prudence, want of common sense, and want of ability to carry out the organisation or efficiently to discharge the duties of their office so as not to cause delay and irritation—while all those were reasons for their removal, they were no reasons at all for removing a person with the tenure of a Judge. Notwithstanding their enormous administrative duties, the millions of public money they had to administer, and the thousands of public money they might lose in administration, because they were quite entitled to distribute a million in free grants to tenants and in improving the tenants' lands they were to be placed absolutely beyond the control of the Ministry—or of the Chancellor of the Exchequer who represented the Ministry—under whom the money was spent. Their position was extremely secure. They held, no doubt, at pleasure, but the pleasure could only be expressed through the medium of an Order of the Lord-Lieutenant which was to lie on the Table of the House of Commons for forty days; and, if any attempt were made by the Government to bring undue pressure to bear upon them, they were perfectly safe, and their tenure was quite secure enough to protect them from any undue interference, while at the same time the Government of the day were responsible for their acts and must find the money to carry out the engagements into which they entered on behalf of the State. He therefore submitted that they were amply protected; and he begged to move that the clause be omitted, and that the Estates Commissioners be left as they were with a tenure which had been well considered, which everybody approved, and against which, as far as he knew, there never had been any objection.

Amendment moved—

"To leave out Clause 13."—(*Lord Atkinson.*)

*THE EARL OF CREWE: That is a question which in one sense is by no means an easy one, although it is a tolerably simple one. I think every Member of the House will agree that if the Estates Commissioners are really executive officers there is much to be said for the contention of the noble and learned Lord. On the other hand, if they are to be regarded in any substantial degree as judicial officers, it seems equally to stand to reason that the change proposed by the Bill can also be defended by argument. As the noble and learned Lord has told us, Section 23 of the Act of 1903 states what the position of the Estates Commissioners is. They hold office during pleasure, and they are only liable to be removed by an Order in Council, which has to be laid on the table of either House for forty days, and does not come into effect if an Address is carried against it. It stands to reason that under some circumstances that is no protection at all against administrative pressure. If the Estates Commissioners for any reason displeased the Government of the day at a time when both Houses represent the same political views, the Estate Commissioners are done for—they have no safeguard in either House of Parliament. Under the present circumstances I quite admit it might be different. If we desired to remove the Estates Commissioners I have no doubt your Lordships would desire to retain them. On the other hand, the position of a County Court Judge is, as your Lordships know, held during good behaviour. He is only liable to be removed for distinct misconduct. The question, therefore, really arises, to what extent are judicial duties imposed upon the Estates Commissioners by the Act of 1903, and to what further extent are they imposed by the present Bill? I quoted the other day some observations of Mr. Justice Meredith, and I will not trouble the House with them again, because the noble and learned Lord alluded to the fact of my having done so, and fully admits that to a certain degree and in a certain sense the Commissioners do exercise judicial functions. But he considers that their administrative functions hold such a larger place in their duties that they ought to be treated in the main as being administrative and not judicial officers. I think it is perfectly true that so far as regards the occupation of their time a larger part of it is taken up by administrative duties than by anything that can be called judicial duties. On the other hand, even as it is now, their judicial duties are of importance, and to a certain extent, I think, would warrant their being treated as judicial officers. But that becomes very much more the case under the present Bill—less, perhaps, as the Bill has been amended by your Lordships, but still to a very considerable extent they will be exercising judicial functions under this Bill. The position is made, of course, more difficult—as, I think, noble Lords opposite will agree—by the position of the other Land Commissioners, who are separately treated; and also the fact that one of the present Commissioners is irremovable, although he comes under Parliamentary criticism, to a certain degree adds to the difficulty of arriving at a conclusion in this case. Certainly we never should uphold for a moment the notion that the Commissioners should be free from Parliamentary criticism, and, as your Lordships know, by an ingenious device, as far as Mr. Wrench is concerned, that state of things was arranged by putting a certain part of his salary on the Votes. We think that we are entitled to say that it is important, in the exercise of their functions, that the Commissioners should be absolutely independent, and it stands to reason—it is verbally as well as actually true—that if they are dependent on the Government of the day they cannot act in an independent manner. I do not want to dwell upon a very unseemly and unpleasant episode to which my noble friend (Lord Hemphill) has already alluded—the fact that a letter was written to one of the Commissioners in terms of which I am quite certain noble Lords opposite do not approve, although we have not had, I think, any expression of opinion from any of them on the subject. But when officers of that description who are executive, and all the more when their functions are partially judicial, are exposed to attacks of that kind, it is not altogether surprising that we should endeavour to protect them so far as we can in the exercise of functions which I am afraid cannot tend to make them entirely popular, and which might place them in the exceedingly unpleasant position of having to choose between compromising their official career altogether at some future day and doing something which they believed to be unfortunate or wrong. Under these circumstances I am afraid I cannot agree to the suggestion of the noble and learned Lord.

The Marquess of LONDONDERRY supported the Amendment, which he considered a very important one. He did not think the argument of his noble and learned friend had been met by the reply of the Lord President of the Council. He had not gathered that the noble Earl denied for one moment that these gentlemen were in a position which was entirely new in the annals of gentlemen performing functions such as theirs. He proposed to put them in the position County Court Judges. He had the greatest respect for all County Court Judges, and he recognised the tenure of their position, which was that their conduct could not be challenged, because, very rightly, they did not come upon the Votes. The noble Earl had alluded, in somewhat sneering terms, he thought, to the arrangement by which the head of the Land Commission, Mr. Wrench, had his salary increased in order that his actions might be criticised. He did not for one moment blame the noble Earl for making that statement, but at the same time he thought the Government with which he was himself at that time associated was perfectly justified in giving Mr. Wrench that increase of salary in order that his conduct could be criticised if necessary. But His Majesty's Government were now taking a totally new departure. They were proposing to put gentlemen who were in a position to a certain extent like that of Mr. Wrench in a position which precluded them from being criticised by the House of Commons for any of their actions. He was the last person to say one word of a derogatory character with regard to any civil servant; he had had too much experience of civil servants not to have the highest possible appreciation of them and of the difficulties under which they laboured in not being able to defend themselves. But when it was proposed to change entirely the *status* of these gentlemen, he would say the Government were not supported by opinion in Ireland, and certainly not so far as those members of the Judicial Bench whose names were well known to their Lordships were concerned. Some time ago—he thought it was during the time that the late Government were in power—they found that Mr. Finucane did not hesitate to criticise the action of the Lord-Lieutenant. He declared that the Lord-Lieutenant had no right to deal with the question of intimidation with regard to the conduct of the Commissioners in letting land to tenants or to people who had been guilty of intimidation. He believed Mr. Finucane made the statement that the Lord-Lieutenant had exceeded his rights. He was at a loss to know why Mr. Finucane should criticise the action of the Lord-Lieutenant in regard to the regulations which were passed under the Act of 1903. He believed he would be justified in going a little further and saying that a well-known Judge in Ireland (Mr. Ross) had declared that the claims of these Estates Commissioners to have a judicial *status* was nothing more nor less than absurd. Under these circumstances, viewing the matter not from the layman's point of view merely, but also from the point of view of the Judge and from the ordinary point of view, he considered that to give these gentlemen a *status* absolutely unknown previously was an action on their Lordships' part which he did not think would be justified by anyone who carefully considered the matter. His noble and learned friend (Lord Atkinson) had pointed out the great difficulty they were confronted with in giving these gentlemen that *status*, and he hoped that before their Lordships rejected the proposal of his noble and learned friend they would very carefully consider the matter.

THE LORD CHANCELLOR: I do not question that this is an important point, but it is after all a very short and simple one. These Estates Commissioners are gentlemen who partake of a judicial character, or at least, if this Bill is passed, they will partake of a judicial character, and it seems to me that they already do. They unquestionably also partake of an administrative character. They have to deal with peat-bogs, as the noble and learned Lord has said, and that is hardly a judicial function. They stand in two separate relations. As a rule you have those two separate functions jealously kept asunder, but apparently in Ireland—and I suppose we may expect it elsewhere, too—those functions are mingled. So far as their administrative functions are concerned, it is no doubt desirable not to have fixity of tenure, but so far as their judicial functions are concerned, fixity of tenure is desirable. I do not know how you are to deal with the amphibious animal betwixt and between. The reason why we think these gentlemen are to be treated as pre-eminently authorities of a judicial rather than of an administrative character is that under this Bill their functions are liable to be particularly invidious, and to expose them to a great deal of obloquy and pressure. Naturally it is a question upon which differences of opinion may be expected, but if I had to form an opinion upon any one circumstance, it would be the last circumstance adverted to by my noble friend (Lord Crewe.) When any gentleman in a position such as I have described is liable to receive bullying and offensive letters threatening him with consequences in the event of a change of Government—I do not wish to use any epithets, but I merely remind your Lordships of the possible effect of putting a man not only in a position in which no person ought to place another, but also into a position in which it is very difficult for him to carry out impartially so much of his duties as are concerned with judicial functions.

* LORD CLONBROCK said he had no intention of addressing their Lordships upon the Amendment of the noble and learned Lord, because it dealt with aspects of the matter about which he did not pretend to know anything. But he had been anxious from the beginning to know what reason was to be given for this change. It appeared from what had fallen from the noble and learned Lord Chancellor, and from the Lord President of the Council, that the change was proposed owing to the fears of gentlemen that in the exercise of their duties they might receive unpleasant letters. Allusion had been made to a certain letter. They all knew of the letter, and it was in his opinion excessively ill-judged. He in no way wished to defend that letter, and the only excuse that could be made for it was that it was a private letter, from a private Member of Parliament, that it was never intended to be made public, and it could not be supposed for one moment that any future Government would be guided by the fact that such a letter was written, or by its sentiments. It had never been the case that on any change of Government officials occupying positions such as those of the Estates Commissioners had been removed without due cause and reason shown. No Government would do such a thing. If the Estates Commissioners were to be exposed to all this obloquy, and were so sensitive to it, he thought they ought to be grateful to that House for the efforts that had been made to-night to limit their sphere of action, for they would now be able to say "It is not our fault; we could have exterminated all the planters and driven them into the Shannon, or at least, over it, we could have taken all the most cherished possessions of the landlords, if it had not been for the unprincipled conduct of the House of Lords."

THE EARL OF MAYO said he would like to ask one question with reference to what the noble Earl had said—that the Estates Commissioners were dependent upon the Government of the day. If they were to be the same as County Court Judges, could the Lord-Lieutenant make regulations with regard to them—because he believed he could not make regulations with regard to the County Court Judges.

LORD HEMPHILL thought they must all admit that the present Bill imposed very important judicial functions upon the Estates Commissioners. Whatever their *status* was under previous Acts, it was clear that under the present Bill they were to determine whether or not a particular case was a proper one for the application of the very strong compulsory powers conferred by the Act of Parliament. That in itself was unquestionably a judicial act. The determination of their own mere motion of the price that was to be paid to the owner of the land for the land taken from him was also a judicial act of the greatest importance. Therefore, he thought it was in vain to quibble about words, or to discuss whether the fact that they had to estimate the value of a peat-bog for a particular purpose was or was not applicable to the consideration of the present clause. Undoubtedly most important judicial functions were imposed upon the Estates Commissioners by the Bill. That being so, did not the ordinary principle, upon which the greatness and security of the administration of the law both in England and in Ireland depended, apply—namely, that a good Judge must be independent of both sides in any question upon which he had to decide. Judges, after all, were only human, and if pressure was put by the Ministry of the day—he did not mean to say any particular Ministry would stoop to such a thing, but by the particular Party in power—if the Party in power happened to be a landlords' Party and pressure was put upon, and hints given to, the Judge that he should consider how far the interests of landlords should be preserved, or if on the other hand, a Party—say the Nationalist Party —was in power, and pressure was brought to bear by the Nationalists that they should deal with a liberal and generous hand with the tenants, was it not placing a Commissioner in a position in which no one deserving the name of a Judge, or exercising a judicial function, should be placed? That used to be the case with regard to the County Court Judges about whom so much had been heard. For nearly 100 years they were removable, but when their powers were increased and their jurisdiction extended, they were placed upon a footing with the superior Judges, and made irremovable, except upon Addresses from both Houses of Parliament. That had been found to work a certain inconvenience, because with regard to either the County Court Judges or the superior Judges, no matter how old a Judge became, no matter how he might have lost the faculty of memory, or of sight, or of hearing, there was no power to remove him except by an Address from both Houses of Parliament. His noble and learned friend, who was conversant with everything connected with the history of the law in Ireland, knew that there were instances within living memory in which attempts had been made to drive Judges of the Superior Court off the Bench, and they had failed, because the House of Commons would not vote the Address. To obviate that, there was a provision introduced later with regard to County Court Judges, and that was the reason why County Court Judges were introduced into the present clause, which enabled the Lord-Lieutenant in Dublin in Council, on the certificate of the Lord Chancellor that a County Court Judge was physically or mentally incapable of discharging his duty, to remove that Judge without going to Parliament. Both his noble and learned friends could mention to their Lordships a case in which that power was exercised, and where a County Court Judge was moved because unfortunately he became mentally incapable of discharging his duties. That was the reason why the Judges of the superior Courts were not mentioned in this particular Bill, but that Judges of the County Court were. Apart from all precedent—throwing overboard altogether what was done in other Acts of Parliament—appealing to the tribunal of natural justice, which was a tribunal that never erred or failed—gentlemen who were entrusted with the discharge of such important duties as the Bill proposed to entrust these Commissioners should be placed beyond the suspicion of partiality, and should be put upon the footing of Caesar's wife. No matter how upright and pure they were, there should not be a breath of suspicion, even emanating from a Member of the House of Commons, that Mr. Commissioner so-and-so was the landlords' friend or that Mr. Commissioner so-and-so was the tenants' partisan.

*THE MARQUESS OF LANSDOWNE: I shall give my vote to my noble and learned friend behind me, upon the ground that, although these gentlemen have duties both of a judicial and an executive character, the executive duties are those which seem to me to be largely preponderant. I think we may fairly say that the result of what has already been done in the way of amending this Bill has been to diminish *pro tanto* the importance of the judicial functions which will belong to these gentlemen. I do not think that in this country we are strangers to the idea of officials who hold high executive posts and who also have judicial work thrown upon them but who are nevertheless not irremovable. Am I wrong in thinking, for example, that, let us say, the President of the Board of Education, or the Commissioners of Inland Revenue have duties which may fairly be described as of a judicial complexion? But I am not aware that it is thought necessary to render them irremovable, except for gross misconduct. I rise, however, at this moment mainly because I want to emphasise one observation which fell from the noble and learned Lord opposite (the Lord Chancellor). He dwelt upon the fact that in Ireland it was by no means uncommon to see judicial and executive work performed by the same set of people. I am afraid I must say that that is, to my mind, one of the most unfortunate features of our agrarian legislation for that part of the United Kingdom. It is because you have, all over the country, men who have really not had any judicial training, who have no judicial attainments, and who are yet placed in the positions of Judges, able to dispose of interests the importance of which may be measured not by thousands but by millions of pounds, that the whole system of our agrarian legislation in Ireland has become liable to that cloud of suspicion which has never ceased to surround it from the unfortunate day on which it was first set on foot. As I have said, I shall vote for the Amendment, as I regard these officials as mainly executive officers.

LORD DENMAN said he desired to give, not his own opinion on this point, but that of a very distinguished member of the Party opposite, a noble Lord who was a great authority on questions of land tenure in Ireland and an even greater authority, perhaps, on questions connected with the fiscal policy of this country—he meant Lord Robertson. When he was speaking in the debates of 1903, he then appeared to be under the impression that the Estates Commissioners should be treated as a judicial body, and required some protection. He would like to quote to the House what Lord Robertson said on that occasion—

> "As to the other protection he pointed out that the Chief Secretary had emphasised that the Estates Commissioners would not be a judicial body which could stand up against the storm of public opinion, but it would be under the control of the Lord-Lieutenant, which meant under the control of the Government of the day. Therefore the Commissioners were exposed to the direct current of political influence, which might be adverse to the interests of a class whom Parliament was bound in honour to protect."

That was the opinion of the noble and learned Lord in 1903, when he had felt that the Estates Commissioners might be attacked for giving protection to the planters. He hoped that the noble and learned Lord's opinion had not changed since. He confessed that he would be rather interested to see how he voted upon the Amendment of the noble and learned Lord, Lord Atkinson. He (Lord Denman) did not profess to be able to live up to the ideal of a pattern Liberal which the noble and learned Lord had laid down the other night; but he had his own ideas of political consistency, and if the noble and learned Lord went into the lobby against the Government upon this point, he confessed that he would have no faith in political consistency left.

THE EARL OF MAYO said he would like an answer to the question he had put. As he had said before, the Estates

Commissioners were dependent upon the Government of the day. Could the Lord-Lieutenant, who also was dependent upon and appointed by the Government of the day, make regulations for these Commissioners when they had the same tenure as a County Court Judge?

*THE EARL OF CREWE: I imagine that that entirely depends upon the construction of the Act of 1903. I should suppose that the Lord-Lieutenant will issue regulations so far as regards their administrative functions but not so far as their functions are judicial.

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Clause 14 and 15 agreed to.

After Clause 15 :—

VISCOUNT MIDLETON moved to insert the following new Clause :—" Nothing in this Act contained shall prejudice or affect the rights, priority, interests, or claims of the vendors and purchasers of lands whose agreements for the sale thereof under the Land Purchase Acts have been lodged with the Land Commission, and advances in respect of which have not been refused, to have the said agreements carried out, and the purchase money payable thereunder duly paid, and the land purchased duly vested in the purchaser." He said that he rose with no intention whatever of making any Motion to embarrass the Government in the position in which they found themselves with regard to the payments which might become due under this Bill, but he thought it due to the House that it should know in some way how it was proposed to deal with the very large sums at present outstanding. He did not suppose that any Government had ever found itself, in recent years, in the position in which His Majesty's Government were to-day. At present under the Land Purchase Act of 1903 there was a sum of £30,000,000 for which agreements had been lodged and which might become, and was rapidly becoming, payable, and which, in the opinion of the Estates Commissioners, was likely to be payable at the rate of £10,000,000 per annum. Then, under the present Bill, it was assumed that 2,000 evicted tenants would be replaced in their holdings and that probably £2,000,000 purchase money would become payable. One could not help asking in what priority this large payment was to be made. Of course, it was perfectly possible to take the view to some extent which had been taken by his noble friend on the cross benches who had put off his Amendment till the Report stage. He had argued that, if the land was taken compulsorily, the money should be forthwith lodged, and that no further step should be taken till the man from whom the land was compulsorily taken had been duly paid. On the other hand, however, there had been agreements involving £30,000,000 made under the Act of four years ago. All of those agreements so far as they knew were valid and were merely waiting for the formal steps to be taken to prove the title and for the other necessary evidence to be forthcoming. His Majesty's Government were bound to pay for all of these not in stock but in cash at the moment of completion. It was hardly germane to the subject, but he personally had no agreement lodged under the Act of 1903, so that so far as he knew he would not find himself in any way touched by this Bill when it became an Act. At the same time, he felt that, as a matter of right and justice, they ought the know what were the views of the Government with regard to financing the two Bills. They stood to-day in an unequalled position for asking the question. He believed that unfortunately the credit of the Government sunk lower on Saturday than it had ever done in the memory of most of those sitting in that House. He believed it was the sad truth that the credit of the Government stood lower for the first time than that of one or two other Powers. Therefore, in regard to the actual financing of this Bill, borrowing would be a very serious measure, for borrowing at anything like the present price of 81 or 82 would involve such a sacrifice of capital that the funds on which the authors of the Bill of 1903 relied would be exhausted within twelve months. The fact, however, remained that the wolf was at the door, and, unless they were prepared to take some steps the financing of the Act of 1903 could not be carried out. What would be the effect of that ? He was not thinking only of the landlord. Of course, it was very unfortunate for the landlord who had signed an agreement to part with his land that the capital should be hung up for several years. That had been the case with many landlords, and it was the case with landlords who had large mortgages out at 4½ per cent., and who only received 3½ per cent. from the Government. They were not only actually out of pocket, but unable to pay off their mortgages. That was a hard position for them to be placed in. Again, the tenants themselves were not unduly favoured. Every tenant after filing his agreement paid a certain sum in interest, and that sum was 5s. per cent. heavier than he would pay the day the capital was settled. He therefore need hardly put it to men of experience like noble Lords opposite that this state of affairs in which both parties to the bargain were heavy losers was one which could not continue indefinitely without causing unrest and disquiet. That unrest and disquiet would be largely increased if it was found that their £30,000,000 of agreements were kept waiting whilst £2,000,000 available cash was used for the purpose of reinstating evicted tenants, on terms infinitely more favourable than the purchasing tenants had been enjoying, in holdings from which they were evicted under circumstances which Lord Inchiquin had described in his own case with great effect. He knew it was said that at the moment of completion they might find the necessary cash, and that what was wanted was the actual completion of the agreements, but the Commissioners, whose evidence had been so often alluded to in the course of the debate, had made it perfectly plain that they could not carry through the agreements without delay unless they were given the proper staff. That staff was not given to them, and there was, therefore, the certainty that existing agreements must be still further postponed. He was sure he need only invite it from the Lord President to extract from him some information with regard to this matter. He had put down his Amendment which he believed represented the justice of the case. He did not believe any man, landlord or tenant, who had come to terms and had signed an agreement under the Act of 1903, ought to have his power of completing the agreement postponed by any action their Lordships might see fit to allow under the Bill. There would inevitably be a very grave postponement unless the Government were able to announce some financial provisions of which they had not yet heard. He moved his clause in the hopes of hearing some explanation.

Amendment moved—

"To insert as a new clause: 'Nothing in this Act contained shall prejudice or affect the rights, priority, interests or claims of the vendors and purchasers of lands whose agreements for the sale thereof under the Land Purchase Acts have been lodged with the Land Commission, and advances in respect of which have not been refused, to have the said agreements carried out, and the purchase money payable thereunder duly paid, and the land purchased duly vested in the purchaser.'"—(*Viscount Midleton.*)

*THE EARL OF CREWE: I will do my best to satisfy the very natural curiosity of the noble Lord, although I am afraid he may not find my reply as complete as he would wish. There are two sets of people who are concerned directly in these transactions, viz., the Commissioners and His Majesty's Treasury. The Commissioners have to deal with three different kinds of things. They deal with the ordinary class of agreement under the first three sections of the Bill, and then they have to deal with cases where they themselves acquire estates under Section 6, and the Land Judge cases under Section 7 of the Land Act of 1903. They proceed with these three classes of cases concurrently. The noble Viscount talked about insufficient staff. The cases which I understand are the only ones in which noble Lords opposite are really interested are those in which there are agreements between landlord and tenant. So far as those are concerned, the Estates Commissioners are over-staffed. The twenty-one sub-Commissioners they have are entirely competent to deal with those cases as fast as they can be brought to maturity. It is only owing to the cases where they themselves are acquiring estates and also to some extent to the prospect of their having to deal with cases under this Bill that the fourteen other Commissioners are all kept on. If it were not for that fact it would not be necessary to retain the extra fourteen. That is quite apart from those whose term of work came to an end, as noble Lords opposite will remember, on 1st August this year. When the noble Viscount talked about priority, I wondered what was exactly in his mind. A case may be prior in the sense of its having been agreed upon at on early date, but it may take a very long time to mature. In the meantime other cases are being dealt with, and they may in a sense pass one in front of another. The whole set of transactions are dealt with rather as matters are dealt with in a solicitor's office. It is a great mistake to think of these cases as if they were of a person ordering a coat, or a pair of trousers, having the garment made, completed, and sent home. The fact is a great number of these transactions are going on at the same time, and it is extremely difficult to say which can be regarded as prior to another. It is important to bear that in mind, because there is, I think, no little confusion on that point. The priority is to a great extent relative, partly owing to the fact that inspection takes longer in some instances than in others, and particularly to the fact that proof of title is a very much longer affair in some cases than in others. That is so far as the share of the Estates Commissioners in the transactions is concerned. Then you come to the Treasury. The early part of the noble Lord's speech rather gave the House to understand that there were a number of outstanding cases for which no money was forthcoming. That is not so. There is no case outstanding in that sense. There has never been a case of purchase which could not be carried through because there was no money to do it. The Treasury have made provision for all cases which can possibly come forward this year. The noble Lord spoke of the exceedingly low point which our national funds reached on Saturday last. I do not think he was correct in saying there are any funds of another country which can possibly be compared with ours which stand at a higher rate than ours do; at least, I should await the name of the country with interest—that is to say, the name of any country whose funds are on the same footing as our funds are. That, however, is a mere passing observation. The Treasury, as I say, have so far refused no advances, and they hope they will be able to place themselves in a position which will prevent their keeping anybody waiting for money when the cases are carried through. I think it is at any rate safe to say that much, and it is really all that concerns us in the present Bill. I am not able to give the noble Lord much information as to the future working of the Act of 1903, which after all is an entirely separate matter; but, so far as this particular measure is concerned, I can tell him, I think quite categorically, that the transactions under it, if the Bill becomes law, will not retard or in any way interfere with, so far as the Treasury is concerned, any transactions under the Act of 1903. The whole matter is going to be very carefully looked into this autumn in view of the notorious facts to which the noble Viscount has called attention, and I have no doubt that the Chancellor of the Exchequer as soon as he can will tell the country, noble Lords, and anybody else interested what provision the Treasury propose to make for dealing with the undoubted difficulty which has arisen under the Act of 1903.

VISCOUNT MIDLETON said he quite realised the satisfactory nature of the assurance they had just received from the noble Lord, but he would like him, if he could, to make it a little more definite. Of course, it was quite possible to say nobody would be deprived of what was due to them under the Act of 1903, if, after it was passed, the Commissioners proceeded to deal with questions under this Act. Were they, however, to understand that no precedence would be given to applications of evicted tenants already lodged under the Act of 1903? And could they take it as an assurance from the Lord President of the Council that whatever money was needed for cases which became complete before Parliament met again would be provided by the Government? They quite understood that during the autumn the Government were going to review the whole situation, which was a very difficult one, and that they would probably submit proposals, but might they understand that in the meantime steps would be taken to prevent the delaying of those applications which had already been made—those made before 1st May—and that precedence would not be given to applications made under this Bill ?

*THE EARL OF CREWE: I will reply as categorically as I can to the noble Viscount. I understand it is the intention to carry on these transactions absolutely concurrently with the other sort of transaction. I do not see how, after the explanation I gave of the way in which the business of the office is carried on, I can put it higher than that. As regards the point of the Treasury Funds, all that I have been authorised to say—I will inquire whether any further assurance can be given—is that the Treasury have arranged to meet all claims made upon them up to the end of the year, but whether that means the financial year or the calendar year I confess I do not know.

*THE MARQUESS OF LANSDOWNE: There is just one point I should like to have cleared up. The noble Earl told us a moment ago that no instance could be cited in which, when a case had been properly investigated, the money had not been forthcoming. I take it from him that that is so, but what many of us have been led to believe is that there has been a great deal of delay in investigating cases on account of insufficient staff. That is the way in which the delay which has given cause for so much dissatisfaction has arisen.

*THE EARL OF CREWE: I do not think that is admitted.

THE MARQUESS OF LONDONDERRY said he noticed that the noble Earl, in the course of his remarks, stated that the Estates Commissioners' branch was overstaffed. If he was right in his recollection, Mr. Finucane had stated that they were understaffed and that if they had a larger staff they could have passed a good many more cases through the Courts. He was at a loss to reconcile this statement with that of the noble Earl. He merely wished to reiterate what had been said by his noble friend, Viscount Midleton. There was considerable anxiety in Ireland as to the manner in which the provisions of this Bill were going to be carried out. He had told their Lordships that at the present time there was to some extent a block in the carrying out of the provisions of the Act of 1903. Both landlords and tenants were suffering in consequence, and they therefore contended that these cases ought to have precedence over any other cases. He certainly understood the difficulty with regard to the Treasury, but he thought they ought to have the assurance that the provisions of the Act of 1903 would have precedence over any provisions in this Bill. Whatever was done in regard to this Bill ought not to interfere with the agreements entered into under the Act of 1903, the delay in regard to which was causing great damage to the owners and occupiers. How did the noble Earl reconcile his statement with that of Mr. Finucane ?

*THE EARL OF CREWE: I will explain that. What I said with regard to overstaffing was that so far as the transactions which particularly interest noble Lords opposite were concerned—that is to say the ordinary agreements—I understood that the staff is entirely sufficient to cope with them. Concurrently with these, however, the Estates Commissioners have been carrying on that considerable transaction under Section 6 of the Act of 1903 by which they have acquired untenanted land themselves. When the noble Lord asks whether these transactions are to be postponed, the answer is "No." What we say is they will be carried on concurrently.

VISCOUNT MIDLETON asked leave to withdraw his proposed new clause.

Amendment, by leave, withdrawn.

Proposed schedule—

Particulars of Decisions and Returns.

COUNTY.	Name of Estate on which former holding is situate.	Name of Tenant.	Townland on which former holding is situate.	Date of Eviction.
(1)	(2)	(3)	(4)	(5)

Annual rent of former holding at date of eviction (as stated in tenant's application).	Annuity payable on purchase holding.	Expenditure sanctioned out of Reserve Fund.				Area.	
		Advances repayable as part of Land Purchase Annuities.	Free Grants not repayable.			Former Holding.	New Holding.
		Buildings and other improvements.	Buildings and other improvements.	Stock, farm implements.	Compensation to outgoing tenants on surrendering holdings.		
(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

(*Lord Clonbrock.*)

On Question, schedule agreed to.

Standing Committee negatived: The Report of Amendments to be received on Thursday next; and Bill to be printed as amended. (No. 168.)

EVIDENCE (COLONIAL STATUTES) BILL.

House in Committee (according to order); Bill reported without Amendment; Standing Committee negatived; and Bill to be read 3^a on Wednesday next.

CRIMINAL APPEAL BILL.

Amendments reported (according to order.)

THE LORD CHANCELLOR said there were certain Amendments which he had put down at this stage, but they were merely in order to comply with the promise he gave in Committee in regard to the Amendment of the Rule-making clause.

LORD ASHBOURNE asked the noble and learned Lord whether he thought it would be competent for the Rule-making authority to make a provision to explain or regulate the working of Section 8 of the Bill, The Lord Chancellor had indicated to him that Section 8 gave ample powers for asking Judges to give a report and also their opinion. He had indicated to the noble and learned Lord that he did not think Section 8 was absolutely complete and satisfactory and that he was determined to move Amendments at this stage. He, however, made up his mind subsequently not to do so, but to leave it entirely at the mercy and discretion of the Lord Chancellor. He would be glad to know if the Lord Chancellor thought Section 8 was complete, and if in making rules there would be power to ask for the views of the Judges at the criminal trial, and also at the same time to be furnished with their opinion.

The LORD CHANCELLOR: It seems to me that under Section 8 the Chairman of the Court can, if he likes, under all the circumstances, make a report and that also if the Court of Criminal Appeal wants his opinion they can unquestionably have it under Section 8 as it stands. There is, therefore, absolute power both for him to give and for them to require. The rules of the Court so prescribe the method in which notes are to be prepared and in which the report is to be furnished if it is asked for. I do not think the clause really requires amendment in the sense in which my noble friend asks.

Amendments moved—

"In page 11, line 18, to leave out the words 'The Rule Committee under this Act may make.'"

"Line 19, to leave out the words 'thereof, and rules' and insert the words 'of this Act shall be made, subject to the approval of the Lord Chancellor, by the Lord Chief Justice and the Judges of the Court of Criminal Appeal, or any three of such Judges, with the advice and assistance of the Committee hereinafter mentioned. Rules.'"

"Lin e30 to leave out from the beginning of Subsection (2) to the first 'a' in line 32 and insert the words 'The Committee hereinbefore referred to shall consist of.'"

"Line 39, to leave out the words 'for such time' and insert the words 'The term of office of any person who is a member of the Committee by virtue of appointment shall be such.'"

"Line 41, to leave out the words 'The Rule Committee may act by any five of their number.'"—(*The Lord Chancellor.*)

On Question, Amendments agreed to.

Bill to be read 3ª on Friday next; and to be printed as amended. (No. 169.)

PRISONS (IRELAND) BILL.

Read 2ª (according to Order), and committed to a Committee of the Whole House on Thursday next.

LIGHTS ON VEHICLES BILL.

Amendments reported (according to Order).

***Lord BALFOUR of BURLEIGH** asked whether it was proposed to allow the Government an opportunity of altering the clause refusing to apply the Bill to Scotland. He understood that in the Standing Committee a promise was given that it would be put in a separate clause.

Lord HAMILTON of DALZELL thought the promise given was that the matter would be considered. They were quite ready to put in a clause if the noble Lord so wished it, but he understood that the noble Lord himself would make the proposal.

***Lord BALFOUR of BURLEIGH** said the next stage would be the Third Reading, and on it it was not customary to move Amendments without notice.

The Earl of DONOUGHMORE said that if he could help he would take it whenever it suited the noble Lord. They had no desire to hurt the feelings of anybody.

The LORD STEWARD (Earl Beauchamp) said the object of the Amendment of which he had given notice was to meet the objection raised by Lord Ludlow who in Committee of the Whole House moved a similar Amendment, and he believed that, after consultation, it had been found to meet the wishes of the noble Lord opposite.

Amendment moved—

"In page 2, line 31, after the word 'rate' insert the following new subsection: '(5) In the application of this section to the county of London, the London County Council shall be substituted for the council of a borough, and the county fund for the borough fund or rate; and, in the application of this section to the City of London, the mayor, aldermen, and commons of that city, in common council assembled, shall be substituted for the council of a borough, and the Consolidated Rate for the borough fund or rate.'"—(*EarlBeauchamp.*)

*THE EARL OF DONOUGHMORE said the noble Lord had allowed him to consult him as to the exact form of the Amendment. He was a little anxious as to the working of it; but he had been informed that the expression "County of London" excluded the City of London, whereas the expression "the administrative County of London" included the City of London, and, subject to that assurance, he was quite ready to accept the Amendment.

On Question, Amendment agreed to.

Bill to be read 3ª on Thursday next; and to be printed as amended. (No. 170.)

PUBLIC HEALTH BILL.

The Lords following were named of the Select Committee, viz.:—

D. Northumberland.	L. Fitzmaurice.
E. Onslow.	L. Allendale.
V. Hutchinson (*E. Donoughmore.*)	

The Committee to meet to-morrow, at half-past Two o'clock, and to appoint their own Chairman.

BUTTER AND MARGARINE BILL.

Read 3ª (according to Order), with the Amendments; and passed, and returned to the Commons.

THE BELFAST RIOTS.

*THE MARQUESS OF LANSDOWNE: I beg to ask a Question of the noble Marquess of which I have given him private notice. A telegram is to be seen in the next room—

> "Rioting still continues in Belfast. One woman has been fatally shot by the firing of the troops. The injured and wounded number hundreds, and the hospitals are full."

I wish to ask the noble Marquess whether he has any information bearing upon the subject.

THE LORD PRIVY SEAL (The Marquess of RIPON): I regret to say I have seen the telegraphic statement that has been published, but there is no information corroborative of the facts at the Irish Office.

CROFTERS' HOLDINGS (SCOTLAND) ACTS.

Return respecting: Laid before the House (pursuant to Order of this day), and to be printed. (No. 171.)

MERCHANT SHIPPING (TONNAGE DEDUCTION FOR PROPELLING (POWER) BILL.

Message to the Commons for copy of the Report, etc., of the Select Committee.

House adjourned at a quarter-past Eleven o'clock, till To-morrow, a quarter-past Four o'clock.

HOUSE OF COMMONS.

Monday, 12*th August*, 1907.

The House met at a quarter before Three of the Clock.

PRIVATE BILL BUSINESS.

Oxford and District Tramways Bill [Lords]. Read the third time, and passed, with Amendments.

Glasgow Corporation Bill [Lords] As amended, considered; to be read the third time.

Colne Valley Water Bill [Lords] (by Order). As amended, considered; Amendments made. Bill to be read the third time.

Kilmarnock Corporation Water Order Confirmation Bill. Considered; to be read the third time upon Wednesday.

MESSAGE FROM THE LORDS.

That they have agreed to—Post Office Sites Bill, with an Amendment.

Probation of Offenders (No. 2) Bill, with Amendments.

Amendments to—Aberdeen Corporation Electricity Bill [Lords].

National Trust for Places of Historic Interest or Natural Beauty Bill [Lords], without Amendment.

That they have passed a Bill, intituled, "An Act to amend the Law with respect to the Assessment of Damages under the Fatal Accidents Acts," [Fatal Accidents (Damages) Bill [Lords].

Also, a Bill, intituled, "An Act to amend the Law with respect to Vaccination in Scotland by authorising a statutory declaration of conscientious objection." [Vaccination (Scotland) Bill [Lords].

And also, a Bill, intituled, "An Act to amend the Merchant Shipping Acts, 1894 to 1906." [Merchant Shipping Acts Amendment Bill [Lords].

That they request that this House will be pleased to communicate to their Lordships a copy of the Report from the Select Committee appointed by this House on the Merchant Shipping (Tonnage Deduction for Propelling Power) Bill; together with the Proceedings of the Committee and Minutes of Evidence.

PETITIONS.

LICENSING ACTS.

Petition from Carlisle, for alteration of law; to lie upon the Table.

RETURNS, REPORTS, ETC.

TRAMWAY ORDERS.

Copy presented, of Report of the Board of Trade of their proceedings under the Tramways Act, 1870, during the Session of 1907 [by Command]; to lie upon the Table.

MERCHANT SHIPPING ACTS, 1894–1906 (VESSELS DETAINED).

Copy presented, of Return of all ships ordered by the Board of Trade or its officers, during the period from 1st July, 1906, to 30th June, 1907, to be provisionally detained as unsafe, together with Summaries, etc. [by Command]; to lie upon the Table.

SUPERANNUATION ACT, 1884.

Copy presented, of Treasury Minute, dated 7th August, 1907, declares that John Crabtree, Steam Hammer Driver, Royal Gun Factory, War Office, was appointed without a Civil Service Certificate through inadvertence on the part of the Head of his Department [by Act]; to lie upon the Table.

SUPERANNUATION ACT, 1887.

Copy presented, of Treasury Minute, dated 6th August, 1907, granting to James Trotman Dean, Chief Clerk, Engineer-in-Chief's Department, Post Office, a retiring allowance under the Act [by Act]; to lie upon the Table.

SUPREME COURT OF JUDICATURE.

Account presented, of Receipts and Expenditure of the Paymaster-General on behalf of the Supreme Court of Judicature in respect of the Funds of suitors of the Court in the year ended 28th February, 1907, and of Account of the National Debt Commissioners for the same period in respect of funds held by them on behalf of the Supreme Court of Judicature, with the Report of the Comptroller and Auditor-General thereon [by Act]; to lie upon the Table, and to be printed. [No. 297.]

IMPERIAL INSTITUTE (INDIAN SECTION).

Copy presented, of Annual Report of the Imperial Institute [Indian Section] for the year 1906–7 (by Command); to lie upon the Table.

LOCAL TAXATION LICENCES, ETC., 1906–7.

Return presented, relative thereto [ordered 25th July; *Dr. Macnamara*]; to lie upon the Table, and to be printed. [No. 298.]

TECHNICAL EDUCATION (AGRICULTURE, ETC.) (SCOTLAND).

Return presented, relative thereto [ordered 30th May; *Mr. Munro Ferguson*]; to lie upon the Table.

CASUALTIES TO SHIPS.

Return presented, relative thereto [ordered 29th April; *Mr. Bellairs*]; to lie upon the Table, and to be printed. [No. 299.]

TRADE REPORTS (ANNUAL SERIES).

Copies presented, of Diplomatic and Consular Reports, Annual Series, Nos. 3891 to 3896 [by Command]; to lie upon the Table.

TRANSVAAL.

Copy presented, of the Transvaal Loan Act, 1907, with Papers respecting the Finances of the Colony [by Command]; to lie upon the Table.

LONDON (EQUALISATION OF RATES) ACT, 1894 (ACCOUNTS UNDER SECTION 1 (7) OF THE ACT.)

Return ordered, "showing, according to the accounts for the twelve months preceding the 31st day of March, 1907, furnished to the Local Government Board under Section 1 (7) of the London (Equalisation of Rates) Act, 1894—(1) The amounts paid during the year out of the Equalisation Fund under the Act to the Corporation of the City of London and each of the Councils of the Metropolitan Boroughs to whom payments out of that fund were made; (2) The amount of the expenses incurred during the year by each of these authorities (a) under the Public Health (London) Act, 1891 (including expenses of scavenging streets); (b) in respect of lighting; and (c) in respect of streets (other than the expenses of scavenging); and (3) The amount expended during the year by each such authority out of the sums received by them under the Act (in continuation of Parliamentary Paper, No. 375, of Session 1906)."—(*Dr. Macnamara.*)

POOR RELIEF (ENGLAND AND WALES).

Copy ordered, of "Statement of the amount expended by Boards of Guardians for Poor Relief during the half-year ended Lady Day, 1907; and similar statement for the half-year ended Michaelmas, 1907 (in continuation of Parliamentary Paper, No. 315, of Session 1906)."—(*Dr. Macnamara.*)

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Granting of Probate by Inland Revenue Authorities.

MR. SWIFT MACNEILL (Donegal, S.): To ask the Secretary to the Treasury whether he is aware that grants of probate and administration can be taken out by Inland Revenue officers when the gross value of the estate does not exceed £300, on deposit with him of 15s. for fees of Court and expenses; whether he is aware that the Inland Revenue officer at Ballyshannon, on application being made to him by Patrick Brown, who had previously obtained an order of the Court enabling him to obtain the grants of administration to Cornelius Clarke, whose assets for the purpose of administration were only valued at £5, referred the case to the district registrar of Londonderry, who replied that he could not deal with it through him, as the case was one for legal decision and not contemplated by The Customs and Inland Revenue Act, 1881, or The Finance Act, 1894; whether, having regard to the fact that Brown is a judgment creditor in a sum of upwards of £13 and the guardian of the estate, and that no question presenting any real difficulty arises, the grant in this case may be taken out by the Inland Revenue officer, and the costs and expenses incidental to its extraction through the district registry office thus saved; and whether some steps will be taken to secure that in such small cases the Inland Revenue, if it acts at all, should extract grants of probate and administration, and not take all the easy grants and leave grants presenting any questions of difficulty, however slight, to solicitors.

(*Answered by Mr. Runciman.*) I am informed that the functions of the Inland Revenue officer under Section 33 of The Revenue Act, 1881, are merely those of an agent acting as a channel of communication between the applicant for a grant and the officers of the Probate Court, and it is necessary that he should refer to those officers in all cases where there is any complication in the circumstances of the application. That is what happened in the case referred to, and the action taken by the officer was correct and necessary. Similarly the district registrar acted strictly in accordance with a rule of Court which provides that "applications for grants of probate or administration in cases which have already been before the Court (on motion or otherwise) must be made through a solicitor." As regards the last part of the Question, I beg to refer the hon. Member to the reply given by the Chancellor of the Exchequer on the 2nd ultimo to my hon. friend the Member for the College Division of Glasgow.†

The Suez Canal Directors.

MR. BRIGG (Yorkshire, W.R., Keighley): To ask the Secretary of State for Foreign Affairs at what place and how often do the directors of the Suez Canal hold their meetings; by whom is the appointment made of the seven British directors who represent shipping; and for what term are they appointed.

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† See (4) *Debates*, clxxvii., 530.

(*Answered by Secretary Sir Edward Grey.*) The directors of the Suez Canal Company meet, as a rule, at the offices of the company in Paris on the first Monday of every month, but meetings can at any time be summoned by the president should the business of the company require it. In accordance with the agreement come to in 1883, seven of the directors are chosen from among British shipowners and merchants and form a committee, who have an office in London and select a new member as a vacancy occurs, whose appointment is submitted to the council and ratified, as in the case of all other directors, by the general body of shareholders. The directors are appointed for eight years, but may be re-elected at the expiration of this period.

Claim against United States Government for Damage to Steamer "Eastry."

MR. F. E. SMITH (Liverpool, Walton): To ask the Secretary of State for Foreign Affairs whether a claim for damages sustained by the British steamship "Eastry," belonging to Messrs. Sivewright, Bacon, and Company, in a collision at Manila in June, 1901, with certain coal hulks belonging to the Government of the United States of America, has been recommended for payment in messages from the President of the United States to the Senate and House of Representatives, dated 19th January, 1903, 20th January, 1904, and 8th January, 1906, respectively; whether the said claim remains unpaid; and whether His Majesty's Embassy at Washington have been instructed to take any, and what, steps in the matter.

(*Answered by Secretary Sir Edward Grey.*) The Answer to the first and second parts of the hon. Member's Question is in the affirmative. The claim is included amongst a number of claims which have been submitted to the United States Government in accordance with proposals made for a settlement of all claims outstanding between them and His Majesty's Government.

Exclusion of Children from Hawkwell School, Essex.

MR. WHITEHEAD (Essex, S.E.): To ask the President of the Board of Education whether his attention has been called to the circumstances under which twelve children in Standards IV. to VI., residing in the parish of Hawkwell, Essex, have been excluded from Hawkwell school, and thereby lost three months' instruction; whether he is aware that the parents of such children refuse to send them to the school in the adjoining parish on the alleged ground that such school is in an insanitary condition and their children would be obliged to walk about four miles extra per day; whether the scheme of reorganisation of the schools under which these children are excluded has received his sanction, and is in all respects regular; and whether he proposes to take any action in the matter.

(*Answered by Mr. McKenna.*) My attention has been called to the exclusion of certain children from the Hawkwell parish school with a view to the reorganisation of that school as one for younger children only. I am also aware that certain parents have objected to send their children so excluded to the Hockley council school on the ground of distance and of the insanitary condition of the school. In consequence of these representations the Board wrote to the local education authority asking for further information, and intimating that in any case the change in the organisation should not be carried out until the Hockley school had been made sanitary. In reply the local education authority have stated that they see no reason for changing their decision. Under these circumstances I propose to inform the local education authority that the Board are unable to regard the exclusion of these children as reasonable under Article 53 of the Code, and to point out that the grant to the school is liable to forfeiture in consequence.

Upkeep of Roads in Scotland—Grants from Motor Car Licence Fees.

MR. AINSWORTH (Argyllshire): To ask the Secretary for Scotland whether he has given consideration to the Report of the Motor Car Commission; whether in view of the largely increased cost of the upkeep of roads in consequence of motor car traffic, which is specially felt in the Highland and other sparsely populated counties with extensive road mileage, he will consider the necessity of giving effect to the recommendations of the Committee, especially as to a more equitable distribution of the revenue derived from motor-car licences, and a contribution from the Treasury towards the maintenance of main roads in such counties; and whether he will communicate with the Chancellor of the Exchequer with a view to this grievance being dealt with next session.

(*Answered by Mr. Sinclair.*) I fully appreciate the importance of the question raised by my hon. friend. The matter is in view of the Government, and, so far as the interests of Scotland are exceptional, I shall endeavour to see that they are specially considered.

Army Expenditure—Excess over Estimate.

MR. FIELD (Dublin, St. Patrick): To ask the Secretary of State for War whether, in view of the fact that certain War Estimates have been exceeded by supplemental expenditure to the amount of £690,000, arrangements will be made to prevent such an excess of expenditure over military Estimates in future.

(*Answered by Mr. Secretary Haldane.*) The hon. Member apparently refers to the Estimates of 1905-6, but he is under a misapprehension in believing that they were exceeded. There is, on the contrary, a considerable surplus which has been surrendered to the Exchequer. The figure mentioned in the Question represents the surplus anticipated in March, 1906. The actual surplus proved to be greater.

Transvaal and Orange River Colonies Claim for Customs Rebates.

MR. R. D. HOLT (Northumberland, Hexham): To ask the Under-Secretary of State for the Colonies whether any portion of the claims for Customs rebates against the Transvaal and Orange River Colonies, referred to in the 6th paragraph of the Third Report of the Committee of Public Accounts for the year 1906, and in paragraph 13 of the Second Report of the same Committee for this year, has been admitted by the Governments of the Colonies in question.

(*Answered by Mr. Churchill.*) The hon. Member will observe, on reference to the second passage which he mentions, that on further consideration it was decided by the Treasury that it was not open to His Majesty's Government to press the specific claims in question. A general settlement of claims as between the War Office and the new Colonies has been effected, and it was contended on behalf of the Colonies that the terms of this settlement must be held to cover all such claims.

South African Compensation Claim—Case of Mr. Keeve.

MR. COCHRANE (Ayrshire, N.): To ask the Under-Secretary of State for the Colonies whether he is aware that Mr. Keeve, of Mooidam Farm, District Kroonstad, served in a corps of Boer scouts in aid of the British forces in South Africa; whether he is aware that his sheep were commandeered and his plantation and homestead destroyed; and whether he has received any compensation.

(*Answered by Mr. Churchill.*) The Secretary of State has no information as to the facts of the case mentioned by the hon. Member, but, while I am not able to hold out any hope of reopening the question of compensation claims, inquiry will be made if desired for the information of the hon. Member.

Re-organisation of Audit Office Staff.

MR. FIELD: To ask the Secretary to the Treasury whether he is aware that the abolition of the post of chief clerk in the Audit Office, and the granting of £100 per annum additional to each of three principal clerks for performing part of the duties of chief clerk when the then occupant of the post retired on pension, were decided on as part of the reorganisation scheme which came into force on the 1st of November, 1905; and whether he will give the date from which £50 of the private secretary's non-pensionable private allowance of £150 per annum was merged in the annual salary of the private secretary for pensionable purposes.

(*Answered by Mr. Runciman.*) The grant of £100 to the principal clerk at the headquarters of the Exchequer and Audit Department, and the alteration of the emoluments of the private secretary, both took effect from the 1st October, 1906, the date of retirement of the chief clerk.

Promotion in the Customs Service.

Mr. FIELD: To ask the Secretary to the Treasury whether, seeing that in making promotions to the more highly paid collectorships and other positions in the Customs Department, the Board of Customs has given prior consideration to the claims of certain persons and has ignored the seniority and efficiency claims of collectors who are Irishmen, he will give instructions that in future promotions the seniority and efficiency claims of all collectors should be considered irrespective of nationality.

(*Answered by Mr. Runciman.*) There is no foundation for the statement in the Question.

Irish Land Purchase Act Rules.

Mr. FETHERSTONHAUGH (Fermanagh, N.): To ask the Secretary to the Treasury whether he has consulted the Irish Law Officers or other legal authorities as to the alleged difficulty of drafting the rules required by Section 2 of the Purchase of Land (Ireland) Act to enable purchasers to pay portion of their purchase annuities in Guaranteed Land Stock.

(*Answered by Mr. Runciman.*) No, Sir.

Mr. FETHERSTONHAUGH: To ask the Secretary to the Treasury if he will state when rules, if any, were made enabling purchasers under the Purchase of Land Act, 1891, to redeem their annuities by Guaranteed Land Stock; have such rules been published or made known to the purchasers; and where and how can a copy of them be obtained.

(*Answered by Mr. Runciman.*) As I explained in my Answer to the hon. Member for Carlow on the 9th ultimo, to which the hon. member has already been referred, no rule is required to enable the redemption of an annuity to be made in stock.

Royal Marines—Rations for Married Men.

Mr. MILDMAY (Devonshire, Totnes): To ask the Secretary to the Admiralty whether, with regard to the issue of rations (meat and bread) to the men of the Royal Marines quartered ashore, he will consider the possibility of reverting to the old conditions under which married men had the option of drawing their rations for a consideration or of catering for themselves.

(*Answered by Mr. Lambert.*) It would not be in the interests of the men of the Royal Marines to reintroduce the old system under which a man who did not draw his ration in kind received no money allowance in lieu. At present, if a man is permitted not to draw his bread and beef ration in kind, he is allowed 6d. a day in lieu.

Post Office—Salary of Chief Medical Officer.

Mr. HUNT (Shropshire, Ludlow): To ask the Postmaster-General whether his attention has been called to the Report of the Select Committee on Post Office Wages, paragraphs 43 to 47; whether the officer of the Post Office thus mentioned has, since giving his evidence before the Select Committee, been given a considerable increase to his salary; whether he will state the reasons leading to the additional emoluments being paid to this official after tendering such evidence; and, in view of the Report, what steps are to be taken to ensure efficient service in the Post Office Medical Department.

(*Answered by Mr. Sydney Buxton.*) I have read the paragraphs referred to. As the hon. Member was informed in reply to a Question asked in this House on 29th April last, the increase in the salary of the chief medical officer was authorised, before he gave evidence before the Committee, on the ground that the salary was not considered to afford adequate renumeration for the duties of the post. The recommendations of the Select Committee will receive the most careful consideration.

Coal Borings on Common Land at Ashdown Forest.

Mr. COWAN (Surrey, Guildford); To ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, whether he is aware that Lord De la Warr has lately made experimental borings in the open common land of Ashdown Forest with the view of finding and working coal and iron; and whether, seeing that Ashdown Forest is a regulated common under a Provisional Order and award by the Board of Agriculture made under the Commons Act, 1876, under these circumstances, and having regard to the rights of the commoners, he will say what steps the Board propose to take in the matter.

(*Answered by Sir Edward Strachey.*) We have no official information on this matter and the Board have no power to intervene. The Provisional Order and award vest the management and control of Ashdown Forest in a body of thirteen conservators, one being the lord of the manor or his representative, and the remainder being elected by the commoners. It rests with the conservators to take any steps that are necessary to protect the interests of the commoners.

Staffing of Penarth School.

LORD BALCARRES (Lancashire, Chorley): To ask the President of the Board of Education if the recommendations of his Majesty's inspector, subsequently approved by the Board, as to the staffing of Penarth School have been carried into effect; and if not, what steps are being taken by the Board to secure that their recommendation shall be fulfilled.

(*Answered by Mr. McKenna.*) His Majesty's inspector's recommendations made in February, 1906, in regard to the staffing of this school were not adopted by the local education authority, who suggested an alternative scheme of staffing which the Board were able to approve in July, 1906. Since that date the Board have received no complaints that the staff is in any way unsatisfactory.

Pay of Staff of Landaff Non-Provided School.

LORD BALCARRES: To ask the President of the Board of Education if the teachers in the Landaff non-provided school receive salaries on the same scale as the teachers in the Glamorganshire council schools; and whether, having regard to the difficulty which appears to have been experienced in obtaining a suitable staff for the school in question, the Board will now ensure that the staff is suitably paid.

(*Answered by Mr. McKenna.*) I have no information on the first point raised in the noble Lord's Question, and, in regard to the second part of the Question, I am unaware that there has been any such difficulty as he refers to.

Tramway Brakes.

MR. DALZIEL (Kirkaldy Burghs): To ask the President of the Board of Trade whether his attention has been called to the recent serious tramway accidents; and whether he will consider the advisability of referring the question of brake power to the Committee now sitting to inquire into railway brakes.

(*Answered by Mr. Lloyd-George.*) I must refer my hon. friend to the reply I gave to a Question on the same subject which the hon. Member for Great Yarmouth asked on Thursday last.†

The Edalji Case—Sir A. Conan Doyle's Memorandum.

MR. AKERS-DOUGLAS (Kent, St. Augustine's): To ask the Secretary of State for the Home Department whether the statements and materials furnished by Sir Arthur Conan Doyle in connection with the Edalji case, which were submitted to the Attorney-General, have now been considered by the Attorney-General; and, if so, with what result.

(*Answered by Mr. Secretary Gladstone.*) The statements and materials referred to were submitted by Sir Arthur Conan Doyle as disclosing a case against a person whom he suspected of having been concerned in the cattle-maiming outrages, of one of which Mr. Edalji was convicted, and also of having been the author of certain anonymous letters which have been attributed to Mr. Edalji. The Attorney-General and Sir Charles Mathews have advised that these statements and materials disclose no case even of a *prima facie* character against the individual indicated by Sir Arthur Conan Doyle, and that no action can be taken thereon.

Pauper Lunatics in London.

MR. COOPER (Southwark, Bermondsey): To ask the President of the Local Government Board whether he can state the number of men and women, giving the number of each sex, who are detained in the London workhouses as harmless lunatics on account of senile decay or imbecility; if he can state whether any children, and, if any, how many, are detained in the London workhouses because of imbecility or idiocy; whether he is aware that no child under five years of age can be admitted into one of the imbecile asylums of the Metropolitan Asylums Board; and whether he will consider the desirability of altering this regulation.

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† See (4) *Debates*, clxxx., 325–6.

(*Answered by Mr. John Burns.*) The number of the insane in the London workhouses on 1st January last was 322, of whom 159 were men, 149 women, and 14 children. The nature of the lunacy from which these persons were suffering is not specified in the Returns. The rule that children under five years of age should not be admitted into the institutions of the Metropolitan Asylums Board for imbecile children was made because it was felt that a trustworthy judgment cannot be formed as to the intellectual condition of very young children. The Local Government Board have, however, intimated to the managers that they would favour arrangements for the reception of children of the kind in question in such a way that they might be carefully observed by an expert before being finally drafted into an asylum.

Mountjoy Prison Staff.

MR. FIELD: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that since the 2nd July the system of performing the night duty in Mountjoy Prison has been changed, and one warder is now detailed to discharge the same duty that formerly was always carried out by two warders; whether it has been reported to the Government that there is now an extra warder on the staff since the introduction of this new method and the curtailing of a warder off the night staff; whether in future the warder who is detailed to perform night duty will be allowed off the whole day after performing this nine hours' duty, upon which he is not relieved to partake of any refreshments; and whether, in view of the number of warders who are now exempt from night duty, he will arange that they shall take their turn of night work, as they can be granted fourteen days' leave of absence at a time.

(*Answered by Mr. Birrell.*) The fact is as stated in the first part of the Question. Such changes are to the advantage of the warders as lessening the amount of night duty. No extra warder has become available for duty since the change was made. Warders detailed for night duty are allowed off duty from 2 p.m. before taking up night duty, and are also off duty on the following day until 2 p.m. It is not proposed to make any change in this practice. Warders on the night duty have facilities for taking light refreshments. Certain officers holding special positions as clerks, storekeepers, and tradesmen are exempted from night duty, and it would not be desirable to alter this practice. All warders may be granted fourteen days' leave of absence.

Irish Schools Taken into Connection.

MR. JOHN MURPHY (Kerry, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he will ascertain from the Commissioners of National Education the number of schools taken into connection since 1903; how many of these schools have or are expected to have an average attendance of between 10 and 20, between 20 and 30, between 30 and 50; and how many above 50.

(*Answered by Mr Birrell.*) Since 1st. January, 1903, the Commissioners of National Education have taken into connection 83 new schools, classified as follows:—

Average Attendance.	Number of Schools.
10 and under 20 . .	27
20 " 30 . .	21
30 " 50 . .	10
50 and upwards . .	25

Purchase of Holdings by Tenants on Lawlor Estate.

MR. JOHN MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Estates Commissioners can take any steps to enable the tenants on the Lawlor estate, near Muckross, Killarney, to purchase their holdings, as the remainder of the estate has already been sold.

(*Answered by Mr. Birrell.*) No proceedings for the sale of this estate are pending before the Estates Commissioners and they are not aware that any negotiations for purchase are in progress. The case, therefore, does not appear to be one in which they can take any action.

Evicted Tenants—Claim of Mrs. M. D. Herlihy.

MR. JOHN MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Estates Commissioners have made inquiries into the claim of Mrs. Mary D. Herlihy, of Glandagh, Killeentierna, Farranfore, county Kerry, as an evicted tenant; and what has been the result of the same.

(*Answered by Mr. Birrell.*) Mrs. Herlihy's application was received on 7th June last, that is to say, after the special staff of inspectors appointed to inquire into evicted tenants' applications had ceased work. The Estates Commissioners have, therefore, had no inquiries made into the case, and have not yet decided whether they will take any action upon the application.

Civil Rights of Irish School Teachers—Decision of Commissioners.

MR. JOHN MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he has yet ascertained if the Commissioners of National Education were unanimous in their decision to refuse to change the rules dealing with the civil rights of teachers in Ireland.

(*Answered by Mr. Birrell.*) The Commissioners of National Education inform me that, in their opinion, it is undesirable, in the interests of the public service, to give information such as is asked for in the Question.

Promotion of Irish School Teachers—Inspectors Reports.

MR. SLOAN (Belfast, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland what is the numbers who, for the triennial period ending 31st March last, are to be disallowed promotion to second-of-first grade and first-of-first respectively through the adverse Report of a new inspector on his first visit to a school, though the two preceding Reports were up to the required standard of proficiency; and if the National Board take into account the representations made, on different occasions during the past two years, by the central executive committee of the National Teachers Organisation, and protesting against teachers being so deprived of promotion by investigating all cases of this sort in which the managers requested a re-inspection and were refused.

(*Answered by Mr. Birrell.*) The Commissioners of National Education inform me that the promotions of teachers who may be eligible by service are at present being made. It would be impossible, at the present stage of the work, to furnish the information asked for in the Question, but if the Commissioners should be supplied with particulars of any case involved in the terms of this Question the matter will be fully considered. No teacher is refused promotion without a careful investigation of all the circumstances of the case.

Persons Disfranchised for Non-Payment of Rates.

MR. MULDOON: To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he will direct the Poor Law officials in attendance at the forthcoming revision of the lists of parliamentary and local government electors to keep, according to each constituency or parliamentary division, a record of the number of persons disfranchised by reason of the non-payment of the poor rate within the statutable period, and of the receipt of union relief within the qualifying period.

(*Answered by Mr. Birrell.*) It has already been decided to make arrangements with the object of securing that the record suggested in the Question shall be kept at the approaching revision.

Provision of Additional Accommodation for School at Ballyforan.

MR. JOHN MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Commissioners of National Education in Ireland have taken any steps to ensure the immediate provision of the additional accommodation recommended by the head inspector for the school at Ballyforan, county Roscommon, of which Mr. P. J. Geoghegan is teacher.

(*Answered by Mr. Birrell.*) The manager of this school applied to the Commissioners for a grant towards the erection of a new school-house for the accommodation of the girls and infants attending the present mixed school. Owing, however, to the smallness of the attendance at the present school the formation of a separate school as proposed would not be admissible under the rules now in force. The question of providing suitable accommodation for the pupils in attendance, having regard to all the circumstances, is under consideration by the Commissioners.

QUESTIONS IN THE HOUSE.

Greenwich Generating Station.

MR. ASHLEY (Lancashire, Blackpool): I beg to ask the Secretary to the Admiralty if he can now state the result of the negotiations between the Admiralty and the London County Council with reference to the generating station at Greenwich, having regard to the fact that the Committee appointed to inquire into the matter reported on 17th December last.

THE CIVIL LORD OF THE ADMIRALTY (Mr. LAMBERT, Devonshire, South Molton): I cannot add anything to the Answer given to the hon. Gentleman last Monday.† I understand the Council has now risen, and the question cannot come before them again till their next meeting at the beginning of October.

Naval Gun Sights.

SIR BERKELEY SHEFFIELD (Lincolnshire, Brigg): I beg to ask the Secretary to the Admiralty whether the position occupied by the Channel Fleet in reference to other fleets in the recent gun-layers' test was wholly or partly due to the deflection dials of the gun-sights of the heavy armaments being incorrectly marked in the case of new ships, the bulk of which have been placed in the Channel Fleet.

MR. LAMBERT: The reply is in the negative. The "King Edward VII.," with the same deflection dials used in 1906, was second ship in the Navy in the previous year in the Heavy Gun-Layers' Test.

Naval Crimean Veterans.

MR. BELLAIRS (Lynn Regis): I beg to ask the Secretary to the Admiralty whether, having regard to the small expense involved, the Board will consider the advisability of placing the surviving Crimean veterans of the Navy on at least as good a footing as those of the Army; and, if this cannot be done from the charitable funds of Greenwich Hospital, whether it can be done by Order in Council.

MR. LAMBERT: It is not proposed to differentiate between men with war service in the Crimea, and others with equally meritorious service elsewhere. On the whole the Navy pension system is substantially more favourable to the men than the system in force in the Army.

MR. BELLAIRS: Is the right hon. Gentleman aware that the War Office has differentiated, and that the effect has been to put the men on an unequal footing? I can give him specific instances.

MR. LAMBERT: Any instances which the hon. Gentleman can give me I shall be glad to have considered.

Gun Practice in the Moray Firth.

MR. SUTHERLAND (Elgin Burghs): On behalf of the hon. Member for Elgin and Nairn, I beg to ask the Secretary to the Admiralty if complaints have reached the First Lord of the Admiralty as to the loss incurred by salmon-fishery lessees along the shores of the Moray Firth through movement of the salmon to deeper waters owing to big gun practice of the fleet; and whether orders can be given that this gun practice should take place in the Moray Firth only after the close of the salmon-netting season or, alternately, that it should take place in the open sea.

MR. LAMBERT: The Admiralty are giving careful attention to representations made to them, and the Commanders in Chief of the Fleets which visit Scottish waters will be requested to bear them in mind in future years.

Admiralty Dredgers in Egypt.

MR. BELLAIRS: I beg to ask the Secretary to the Treasury whether he is aware that for the two years ending June, 1907, two Admiralty dredgers were lent to the Egyptian Government without any payment being exacted for their services; that Lord Cromer states in his annual Report that they rendered very effective assistance in deepening the channel at the port of Alexandria; and whether he can explain the circumstances which induced the Treasury to sanction the loan of these dredgers free of charge for so long a period to a rich port which, in 1906, is stated by the Foreign Office Report on the trade of Alexandria to have dealt with entrances and clearances amounting to 7,800,000 tons of shipping.

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† See (4) *Debates*, clxxix, 1530.

MR. LAMBERT: It was considered by the late and the present Boards of Admiralty that as the improvement of the port would largely benefit the mercantile marine, and to a certain extent the Navy, the loan of these two dredgers was justified. The whole cost of their maintenance was borne by the Egyptian Government.

MR. BELLAIRS: Could not the same thing be said of every port around the British coast? What induced the Treasury to sanction this?

[No Answer was returned.]

Chinese Labour in the Transvaal.

MR. HAROLD COX (Preston): I beg to ask the Under-Secretary of State for the Colonies whether the Transvaal Government has introduced a Bill to prolong the restrictions of the Chinese Labour Ordinance after that Ordinance expires in March next; and, if so, what action His Majesty's Government intends to take.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.): The policy of the Transvaal Government, so far as I understand it, is to repatriate the Chinese labourers at the termination of their indentures, without permitting those indentures to be renewed. Under the Letters Patent the existing Labour Importation Ordinance lapses on 21st March, 1908. An interval will therefore arise during which some provision for the government of the Chinese who are awaiting their turn to go is indispensible to the order and security of the Colony and, indeed, to the complete termination of the Chinese labour experiment. His Majesty's Government have always recognised that some measure of this kind would probably be necessary as part of the machinery of repatriation upon expiry of contract, and the Secretary of State explained the necessity in his place in Parliament in reply to a question on 17th June last. I have as yet no official information upon the provisions of the Bill which is said to have been introduced to that end, and in the absence of the full text it would be premature to express an opinion.

*MR. REES (Montgomery Boroughs): May I ask the right hon. Gentleman whether there is anything in the law of the Transvaal which will make it impossible for the Kaffirs who take the place of the Chinamen to compete with skilled European labour?

SIR GILBERT PARKER (Gravesend) asked whether the Transvaal Legislature would have to make a new Ordinance to carry on the contracts of the Chinese labourers after the expiration of the time fixed in March next for the completion of those contracts?

MR. CHURCHILL: I fail to distinguish between the substance of the hon. Member's supplementary Question and that of the Question on the Paper.

SIR GILBERT PARKER: May I ask the right hon. Gentleman whether the present Bill introduced into the Transvaal Legislature will cover the finishing contracts from the time of expiration in March next and also provide regulations or Chinese labour after March next?

MR. CHURCHILL: Though I am not informed of the precise conditions of the measure, I presume it will provide for the government of those Chinese who are awaiting the expiry of their indentures. It is certainly not advisable that they should be turned loose.

SIR GILBERT PARKER: May I ask whether this Bill will contain regulations dealing with restrictions on Chinamen after March next, and, if so, whether His Majesty's Government will take these restrictions under review and, if they contain conditions of slavery, veto the Bill now before the Transvaal Legislature ?

Mr. CHURCHILL : I think it would be very inadvisable for me to express an opinion as to that hypothetical question.

Mr. REES : Will the right hon. Gentleman answer my Question ?

Mr. CHURCHILL : It is a question very largely of opinion as to the extent to which Kaffir labour will come into competition with skilled white labour, and whether that labour will compete to a greater or a less extent than the Chinese labour.

Mr. HAROLD COX : When does the right hon. Gentleman expect to have a draft of the Bill in this country ?

Mr. CHURCHILL : I do not think it has yet passed the Legislative Assembly, and after that it has to go to the Legislative Council, and then come here.

Mr. HAROLD COX : Have the Government been consulted in this matter, as the Bill practically re-enacts the Ordinance which the Government said they would not enact ?

Mr. CHURCHILL : The hon. Gentleman has the advantage of me. I do not know what the effect of the Bill is. It is not the practice of self-governing Colonies to submit their Bills to the Home Government before passing them.

Native Access to the Transvaal Law Courts.

Mr. HAROLD COX : I beg to ask the Under-Secretary of State for the Colonies whether his attention has been drawn to the draft of a Bill, published in the Gazette of the Transvaal Government, which would deprive Natives of the Transvaal of the right of access to the Courts of law in certain cases, and render them dependent in such cases upon the arbitrary will of the Transvaal Ministry ; and what action His Majesty's Government proposes to take.

Sir GILBERT PARKER : At the same time may I ask the Under-Secretary of State for the Colonies whether his attention has been drawn to the proposed legislation in the Transvaal Legislature which is intended to abolish access of Natives to the Law Courts in the case of certain decisions of the Governor in Council, and to establish the right to depose, remove, and intern chiefs and headmen, and to transfer tribes and individuals from one district to another upon such conditions as the Governor may determine ; and whether these conditions are in keeping with the principles embodied in the Transvaal Constitution for the protection of Native rights as to reserves, habitation, and the paternal care of this Government.

Mr. CHURCHILL : I would refer the hon. Member and the hon. Member for Gravesend to the Answer to Questions on this subject on Thursday the 8th instant.† The Secretary of State does not think that any opinion as to the Bill can be usefully expressed till he is in possession of its detailed provisions and of the reasons for which it has been introduced.

Mr. MYER (Lambeth, N.) : Is there any reason why all human beings in our Colonies should not be equal before the law ?

Mr. CHURCHILL : That is rather an extensive programme to be dealt with by way of question and answer.

Sir CHARLES DILKE (Gloucestershire, Forest of Dean) : I beg to ask the Under-Secretary of State for the Colonies whether His Majesty's Government have now received from the Transvaal any reply to their telegraphic inquiry as to the Bill published in an extraordinary Government Gazette of Saturday, 3rd August, abolishing the access of Natives to the Courts of Law in respect of decisions administratively taken by which individual natives or whole tribes can be transferred against their will from one district to another.

Mr. CHURCHILL : The Secretary of State is still awaiting the answer to his inquiry.

Transvaal Field Cornets.

Mr. FELL (Great Yarmouth) : I beg to ask the Under-Secretary of State for the Colonies if he has received any information to the effect that the Government of the Transvaal Colony proposes to re-establish the field cornets as part of the administrative machinery of that Colony; and, if so, will the field cornets hold the same positions that they held prior to the war.

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† See (4) *Debates*, clxxx., 315–6.

SIR GILBERT PARKER: I beg also to ask the Under-Secretary of State for the Colonies whether the Bill introduced in the Transvaal Legislature for the re-establishment of the field cornet system was laid in draft before this Government previous to its introduction; what will be the duties and responsibilities of the new organisation; and whether it is intended to have any military functions.

MR. CHURCHILL: The Bill in question was not laid in draft form before His Majesty's Government: it is one which is fully within the competence of the responsible Government of the Transvaal. The Secretary of State has no information as to the details of the Bill beyond what is contained in Press telegrams, not always conceived with the intention of representing the legislative projects of the Transvaal Government in the most favourable light.

MR. MOLTENO (Dumfriesshire): Has not the field cornet system always prevailed in the South African Colonies since they were settled?

MR. CHURCHILL: Yes, Sir.

Panama Canal Labour.

MR. FELL: I beg to ask the Under-Secretary of State for the Colonies if his attention has been called to the loss of life that occurred at the Isthmus of Panama during the construction of the works by the original French company among the labourers recruited from Jamaica and the other West Indian islands; and whether, under the circumstances, the Colonial Office will recommend that the greatest circumspection should be employed with regard to any contracts or attempts to recruit labourers from any of our Colonies for the new Panama Canal works.

MR. CHURCHILL: The Secretary of State has every reason to believe that the Governors of the various West Indian Colonies are acquainted with the past history of the works on the Isthmus of Panama, and that they are alive to the exigencies of the present situation. A copy of the hon. Member's Question, and of my reply, will be forwarded to the Governors.

British-Indians in the Transvaal.

MR. O'GRADY (Leeds, E.): I beg to ask the Under-Secretary of State for the Colonies whether it is the intention of His Majesty's Government to protect British-Indian subjects who are lawfully resident in the Transvaal Colony from the identical disabilities imposed upon them by the still unrepealed Law 3 of 1885 of the late Republic, against which protests were then urged.

MR. CHURCHILL: It is impossible to deal adequately with the matters raised by the hon. Member within the limits of an Answer to a Question; but I may observe, first, that Law 3 of 1885 of the late South African Republic was amended in important respects in 1886. Secondly, that the Supreme Court of the Transvaal has put upon a very important section of that law a construction more favourable to the British-Indian than that which the Courts of the late South African Republic gave to it, holding that the law did not compel Asiatics to trade in locations. Thirdly, that the Asiatic Law Amendment Act passed this year is regarded by Lord Selborne as securing a permanent and substantial improvement in the position of Asiatics settled in the Colony by definitely recognising their rights in respect of residence, and by allaying the dread entertained by the European community of a large increase in the Asiatic population, and thus leading to a more favourable attitude on the part of the European community. Full information upon all these matters will be found in the Papers laid before Parliament; but it should be understood that His Majesty's Government have no power to protect British-Indians in the Transvaal from the operation of a law in force in the Colony.

MR. O'GRADY: I beg to ask the Under-Secretary of State for the Colonies whether his attention has been drawn to the published draft Immigration Restriction Bill of the Transvaal, which threatens to inflict additional disabilities and humiliations upon His Majesty's

Indian subjects; and whether he proposes to take any steps to protect them.

MR. CHURCHILL: The Secretary of State has seen the draft Bill referred to by the hon. Member. It will be reserved for the signification of His Majesty's pleasure, but no statement can be made as to the action of His Majesty's Government with respect to it pending its receipt in the form in which it is passed by the Transvaal Legislature, when its provisions will receive attentive consideration.

SIR GILBERT PARKER: Is it not the case that in some instances Bills are submitted by the self-governing Colonies to the Home Government before being discussed by the Colonial Legislature?

MR. CHURCHILL: It is done sometimes as a matter of convenience. It all depends on the arrangement between His Majesty's Government and the self-governing Colonies.

Russia and Persia.

*MR. REES: I beg to ask the Secretary of State for Foreign Affairs whether he has any information which can properly be made public showing that the Persian Government has appealed to the Russian Government for assistance in consequence of internal disorders, or that one of the princes has raised an army against the Persian Government.

THE FINANCIAL SECRETARY TO THE TREASURY (Mr. RUNCIMAN, Dewsbury; for Sir EDWARD GREY): No such information has reached His Majesty's Government.

Sir Harry Maclean.

MR. LONSDALE (Armagh, Mid.): I beg to ask the Secretary of State for Foreign Affairs whether he has any information as to the present position and whereabouts of Sir Harry Maclean; and whether there is any immediate prospect of his release.

MR. RUNCIMAN: Sir Harry Maclean is believed to be somewhere in the vicinity of Al-Casar, but we have no information as to his exact whereabouts. His Majesty's Minister at Tangier is doing all he possibly can with the view of obtaining his release.

*MR. ASHLEY: Have the terms of the release been communicated to His Majesty's Government?

MR. RUNCIMAN: The hon Gentleman had better put down a Question.

*MR. ASHLEY: I have put down several Questions on this subject.

British Commercial Attachés.

SIR GILBERT PARKER: I beg to ask the President of the Board of Trade whether the commercial attachés have been withdrawn from Berlin and other Continental capitals; and, if so, does this action mean an abandonment of the policy of commercial representation at embassies abroad.

MR. RUNCIMAN: My right hon. friend would refer the hon. Member to the Board of Trade Journal, No. 544, of May 2nd last, on page 213 of which will be found a statement giving the information desired. The new arrangements therein detailed took effect on July 1st last.

Small Holdings Bill Finance.

*MR. WEDGWOOD (Newcastle-under-Lyme): I beg to ask Mr. Chancellor of the Exchequer whether the charge on the Exchequer, arising out of the Small Holdings Bill in the year 1907-8, is to be £100,000 for the quarter ending 31st March, 1908; whether it is contemplated that the charge arising in future years will be, for the four quarters, £400,000 a year; and whether this annual charge will be deducted from the nucleus available for old-age pensions.

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fifeshire, E.): The expenditure in connection with the Small Holdings Bill during the current financial year will be very small, as the Bill will not come into operation until the 1st January next. The sum of £100,000 is, as was stated by my right hon. friend in introducing the Bill, a contribution from Public Funds to the Small Holdings Account for the first year. Whether any, and if so what, further contribution will be required in future years is a question which can be considered when necessity arises.

MR. CHAPLIN (Wimbledon) asked if, for the whole year, other three-fourths would be added?

MR. ASQUITH: I would rather not commit myself to any predictions.

MR. CHAPLIN: But it is in contemplation that it may be necessary?

MR.. ASQUITH: It may be necessary.

*MR. WEDGWOOD: I beg to ask Mr. Chancellor of the Exchequer whether he is aware that during the passage of the Small Holdings Bill through Committee upstairs a clause was added such as that any loss arising out of action under the Bill may be charged against the National Exchequer instead of against the county council making the loss, that this clause was added by the Committee against the wishes of the Government, that in spite of the numerical strength of the agricultural interest on the Committee no attempt is being made in the House to restore the Bill on Report to its original condition; and whether, in view of the fact that no private Amendment to this clause can be reached under the scheme of closure by compartments, he will represent to the Board of Agriculture the advisability of putting down an official Amendment to prevent this application of public funds.

MR. ASQUITH: The attitude of the Government in regard to this matter will be fully explained, should the occasion arise, by my right hon. friend in charge of the Bill.

*MR. WEDGWOOD: But the closure by compartments will prevent this being brought on.

Motor Bus Speed.

MR. HAROLD COX: I beg to ask the Secretary of State for the Home Department whether his attention has been called to any apparatus for controlling the speed of motor omnibuses so as to prevent the possibility of their travelling beyond a fixed maximum; and, if so, whether he will cause experiments to be made with such apparatus with a view to its application to motor omnibuses within the Metropolitan area.

*THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.): I understand that there is no such contrivance actually in use, but it is possible that mechanism which would effect the object proposed may be invented. In that event the Commissioner of Police will carefully consider the question of requiring such apparatus to be fitted to motor omnibuses in the Metropolis.

MR. HAROLD COX: Will the Commissioner of Police make experiments with it?

*MR. GLADSTONE said it was rather difficult to say whether it would be within his power to do so.

London Police and Socialistic Meetings.

MR. T. F. RICHARDS (Wolverhampton, W.): I beg to ask the Secretary of State for the Home Department whether he is aware of the action of the Metropolitan Police in picketing and taking the names of speakers at open-air Socialistic meetings and not at other open-air meetings; whether this action is taken on his authority or on the authority of the police authorities; and why such action is taken; and, if for no legitimate reason, will he cause this system of shadowing Socialists to be abandoned.

MR. GLADSTONE: There is no picketing by the police at any open-air meetings, Socialistic or other. Some police are placed on duty near all meetings, with instructions to keep the peace and regulate traffic. On occasions a record of names is kept, but such action is not confined to any one class of meetings.

Manchester Building Bye-laws.

MR. CLYNES (Manchester, N.E.): I beg to ask the President of the Local Government Board whether the Manchester Corporation have submitted to his Department new building bye-laws; whether he can state why they have not been confirmed; and is he aware that similar bye-laws have for some years been in force in Levenshulme, a suburb of Manchester.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. JOHN BURNS, Battersea): The corporation submitted the draft of bye-laws as to new streets and buildings to the Local Government Board, who returned it on the 15th June last for consideration of some notes and suggested alterations. The Board have not at present heard further on the subject. The draft differs in some respects from the bye-laws in force at Levenshulme. Moreover, since those bye-laws were made various modifications and improvements have been made in the Board's Model Series upon which they were founded.

Dust on Rural Roads.

MR. LONSDALE: I beg to ask the President of the Local Government Board whether he is aware that rural district councils desire to co-operate with county councils in the mitigation of the dust nuisance by spraying the roads with tar; whether the Local Government Board have decided that the rural district councils cannot incur expense in this direction; what are the grounds for this decision; and whether some modification of it is possible, in view of the fact that localities will be greatly benefited by this method of treating the roads.

MR. JOHN BURNS: I am aware of the desire referred to. I presume that the roads to which the hon. Member alludes are main roads. These in rural districts are maintained by the county council, and the question is whether a rural district council can legally contribute towards the cost of spraying them with tar. They could do so if the operation could be brought within the terms of Section 3 of the Highways and Bridges Act, 1891, but I am advised that it cannot safely be held that this is the case.

MR. LONSDALE: Will the right hon. Gentleman inquire into this during the recess?

MR. JOHN BURNS: Yes; that is one of the matters I hope to go into during the recess.

Post Office Servants—Report of Select Committee.

MR. SAMUEL ROBERTS (Sheffield, Ecclesall): I beg to ask the Postmaster-General when it is proposed to put into force such of the recommendations made by the Select Committee on Post Office Servants as have been accepted by his Department.

CAPTAIN NORTON (Newington, W., for Mr. SYDNEY BUXTON): I am afraid I cannot say more at the present moment than that the recommendations of the Select Committee are receiving careful consideration.

VISCOUNT TURNOUR (Sussex, Horsham): Shall we have any pronouncement from the Postmaster-General before the end of the session?

CAPTAIN NORTON: I hope my right hon. friend will be in his place to-morrow, and he will then be able to answer questions on this subject.

Education Grant for New Schools.

MR. SAMUEL ROBERTS: I beg to ask the President of the Board of Education when it is probable that the regulations governing the grant of £100,000 for new schools will be published.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. MCKENNA, Monmouthshire, N.): I cannot yet fix the exact date, but I hope these regulations will be issued in the course of a few days.

Swansea Education Dispute.

LORD R. CECIL (Marylebone, E.): I beg to ask the President of the Board of Education whether he can say whether the Swansea local education authority have refused to pay the full salaries of the teachers in the non-provided schools; and if so, on what grounds; what was the date of his interview with the managers of those schools; what was the substance of his letter to the Swansea local education authority; when was it sent; whether he has received any reply; and, if so, what was the substance of such reply.

MR. MCKENNA: I understand that the local education authority have paid all the teachers' salaries on the scale which the authority has hitherto recognised, but not on the scale which the managers claim. I had an interview with the managers on 16th July, and on the same date wrote to the local education authority inviting the observations of the authority on the statements made by the managers. This letter was acknowledged on 18th July with an intimidation that the holidays would prevent an immediate full reply, but that as prompt attention as possible would be given to it.

LORD R. CECIL: May I ask the right hon. Gentleman whether the scale paid by the managers is the same scale as obtained in the council schools, and is the scale insisted upon by the National Union of Teachers; also whether this dispute has not been going on for some two or three years; and whether he does not see his way to induce the local education authority to arrive at a settlement?

MR. MCKENNA: I am most anxious to see a settlement attained. The dispute has been going on some considerable time, but not on the precise point now raised. I do not understand that any scale is required by the National Union of Teachers or exists in council schools. Every teacher is paid according to his own particular merits.

LORD R. CECIL: Does the right hon. Gentleman know that these teachers were called out by the National Union on the question of pay?

MR. MCKENNA: I have not received any information on that point.

Mortomley School Teachers' Salaries.

LORD EDMUND TALBOT (Sussex, Chichester): I beg to ask the President of the Board of Education whether he is satisfied that the teachers of the Roman Catholic school at Mortomley have now been paid the salaries which have been overdue to them for some considerable time.

MR. MCKENNA: I understand that the matter referred to by the noble Lord is in the course of immediate settlement between the local education authority and the managers of the school.

LORD EDMUND TALBOT: If the matter is not settled before the end of the week will the right hon. Gentleman use his powers to bring about a settlement?

MR. MCKENNA: I think it unnecessary to make any statement on that point.

Tweed Trout Fisheries.

MR. GULLAND (Dumfries Burghs): I beg to ask the Secretary for Scotland whether he is aware that, in spite of the recent deputation from the border towns to the Prime Minister on the subject of the trout fishings in the Tweed, and his reply thereto, the obnoxious trespass notices are still in existence, and the people of the district are thereby debarred from enjoying their traditional privileges; and whether, in view of the feeling entertained in regard to the combined action of the new riparian proprietors, he will, before the end of the session, make a statement as to the intentions of the Government in the matter.

THE SECRETARY FOR SCOTLAND (Mr. SINCLAIR, Forfarshire): As my hon. friend is aware, the duty of informing myself fully upon this subject was laid upon me recently by the Prime Minister, with a view to its further consideration by the Government, and I am taking the necessary steps to that end; but it will not be possible to make any further statement as to the intention of the Government before the end of the session.

House Letting in Scotland.

MR. LAIDLAW (Renfrewshire, E.): I beg to ask the Secretary for Scotland if he can say when the Report of the Committee on House-letting in Scotland will be issued.

MR. SINCLAIR: The Report has not yet been received; but I understand that it will be received shortly.

Coote Estate, Elphin, Roscommon.

MR. JAMES O'KELLY (Roscommon, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that three years ago the contract was entered into for the sale of the estate of Stanley V. Coote, Esq., Elphin, Roscommon, to the tenants under the Land Act, that the cash to be paid to the landlord has not yet been advanced, and that consequently the sale remains incomplete; and whether, seeing that the cash necessary to complete the sale in the case of the King-Harman estate has been found some time ago, he will say whether there is any special reason for the delay in settling the Coote estate, which was listed at the same time as the other.

THE CHIEF SECRETARY FOR IRELAND (Mr. BIRRELL, Bristol, N.): The purchase agreements in this case were lodged two and a half years ago. The advances would, in the ordinary course, have been made before now, but there has been some delay in connection with the allotment of turbary for the use of the purchasing tenants. Arrangements are now being made as regards turbary, and as soon as these are completed the Commissioners will be in a position to make the advances.

Protestant Boys in Belfast Roman Catholic School.

CAPTAIN CRAIG (Down, E.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he has considered the statement on oath, sworn before a magistrate, of William Welsh, a Protestant, father and only surviving parent of the two Protestant boys, William J. Welsh and Samuel Welsh, who are detained in Nazareth Lodge Roman Catholic Industrial School, Belfast, against his expressed wishes and conscientious convictions; and whether he will now make the necessary order for their immediate discharge to their father's custody under the circumstances that he is anxious and well able to maintain them.

MR. BIRRELL: I have received from the hon. and gallant Member the statement referred to in the Question, but as I have informed him by letter, I have found it necessary to direct further local inquiries to be made before arriving at a decision in the matter.

Irish Untenanted Land.

MR. LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland how many owners of untenanted land have refused to sell such land to the Estates Commissioners for the purpose of reinstating evicted tenants; and whether he will state, with reference to such cases, the acreage of the land which the Estates Commissioners desired to buy and the price offered per acre in each case.

MR. BIRRELL: The Estates Commissioners inform me that in sixteen of the cases referred to in paragraph 41 of their special Report on Evicted Tenants the owners have refused to accept the Commissioners' offer for untenanted land, which was required for the purpose of reinstating evicted tenants and for the other purposes of the Act. The land comprised in these sixteen cases amounted to 3,405 acres, and the estimated price, inclusive of the bonus, averaged £22 4s. an acre. A reference to paragraph 41 will show that a large number of the owners of untenanted land who were approached by the Commissioners either failed to reply or refused to sell upon any terms, and therefore no precise offers were, or could be, made. In the case of thirty-three evicted holdings which are in the occupation of twenty-two owners, the owners have refused to accept the Commissioners' offer. The land in these thirty-three cases comprised 1,787 acres, and the Commissioners' estimated price, including the bonus, amounted to an average of £12 7s. per acre. A reference to paragraph 23 of the Commissioners Special Report will show that in 290 similar cases the owners refused to allow inspection, with the result that no offer for purchase could be made.

Dickens' Estate, Ballybrood, Limerick.

MR. LUNDON (Limerick, E.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland is he aware that on the Dickens' property in the townland of Crongheeveera, Ballybrood, county Limerick, there is a farm from which Thomas O'Brien was evicted some years since, but which has always been kept in the landlord's hands; and, now that the tenants have all purchased, will he ask the Estates Commissioners to open negotiations with the agent, Mr. Arthur White, of George Street, Limerick, with the view of admitting back to his father's farm, Patrick O'Brien, of Cloughadareen, Pallasgrean, county Limerick.

MR. BIRRELL: The eviction in this case did not take place within twenty-five years of the passing of the Act of 1903, and the evicted tenant's representative is, therefore, not eligible for reinstatement under Section 2.

The Secretary for Scotland.

MR. BYLES (Salford, N.): I beg to ask the Prime Minister why no Minister representing the Scottish Office was present when the financial Resolution relating to the Whale Fisheries (Scotland) Bill was considered in Committee of the Whole House early on Wednesday morning; and whether, when Members are kept here very late to discuss Scottish measures, he will take care that some responsible Minister shall also be in attendance to facilitate their progress.

MR. SINCLAIR: I am sorry I was not present, but I was not aware that the Bill was coming forward. I will do my best to be present in future.

VISCOUNT CASTLEREAGH (Maidstone) asked if there was any way by which the Prime Minister could let his Ministers know exactly what business was coming on.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): Ministers are like other men, and not always infallible, and sometimes are mistaken in their estimates.

VISCOUNT TURNOUR: Can the Prime Minister ensure that Ministers shall be present when Questions relating to their Departments are asked?

SIR H. CAMPBELL-BANNERMAN: I do not think that such absence often occurs [Cries of "Oh, oh!"] except when the earlier Questions are rushed through, for some reason, at a greater pace than usual, and so upset calculations.

VISCOUNT TURNOUR: It has occurred many times of late.

The Sittings of Parliament.

MR. BYLES: I beg to ask the Prime Minister whether he has been made aware that there is a widespread desire among Members of the House that Parliament should not sit in the dog days, but should be prorogued about the end of June and meet again in the later months of the year; and can he undertake that the Government will consider during the ensuing recess whether this desire can be met.

SIR H. CAMPBELL-BANNERMAN: I have repeatedly referred to this widespread desire, and am myself one of those to whom it has spread; and my hon. friend may be sure that it is always present to the mind of the Government in arranging the business of the session.

Expiring Laws Continuance Bill.

MR. MILDMAY (Devonshire, Totnes): I beg to ask the Prime Minister for what day it is intended that the Expiring Laws Continuance Bill shall be put down.

SIR H. CAMPBELL-BANNERMAN: I cannot yet state the day.

The Transvaal Loan.

SIR GILBERT PARKER: May I ask when the Transvaal Loan Bill will be brought in?

SIR H. CAMPBELL-BANNERMAN: I think the Resolution will be taken on Monday next.

PETTY SESSIONS CLERKS (IRELAND) BILL.

Lords' Amendments to be considered forthwith; considered, and agreed to.

MERCHANT SHIPPING (TONNAGE DEDUCTION FOR PROPELLING POWER) BILL.

Lords' Message, requesting a copy of the Report from the Select Committee appointed by this House on the Merchant Shipping (Tonnage Deduction for Propelling Power) Bill, together with the Proceedings of the Committee and Minutes of Evidence, considered:—

Printed copy to be communicated.

NEW BILL.

PUBLIC WORKS LOANS BILL.

"To grant money for the purpose of certain local loans out of the local loans fund; and for other purposes relating to local loans," presented by Mr. Runciman; to be read a second time to-morrow, and to be printed. [Bill 310.]

SMALL HOLDINGS AND ALLOTMENTS BILL.

As amended (by the Standing Committee), considered.

MR. CHAPLIN (Surrey, Wimbledon), on Clause 1, moved an Amendment with the object of describing the officers of the Board of Agriculture to be set up for the purposes of the Bill as small holdings inspectors, and not Commissioners. He said his object in moving the Amendment was to point out that for the purposes of the Bill the appointment of a number of gentlemen who were to be called Commissioners appeared to him wholly unnecessary. For years past the Board of Trade, the Local Government Board, and the Board of Agriculture had been in the habit of appointing additional inspectors for any special purpose which might arise in connection with the working of their Departments, and he failed to see why it was necessary to depart from that well-recognised practice upon the present occasion. Some of these inspectors had been appointed for very long periods and for very important objects. He had one such occasion in mind when, a good many years ago, the Government of the day were employed in extirpating cattle disease from the country. The matter was considered with great care on that occasion by the Board of Agriculture, but it was not thought necessary to call the men who were appointed to deal with the matter by the name of Commissioners. The problem was one which affected the whole of the Kingdom, and was certainly not of less importance than the problem they proposed to deal with by the Bill before the House. These gentlemen, at the time he was referring to, were appointed simply as ordinary inspectors, but they were invested with novel and ample powers, and after many years, involving the expenditure of large sums of money, they were at last successful in accomplishing the object of their appointment. What he wished to know from the Government was whether there was any satisfactory reason or necessity for establishing gentlemen as Commissioners under the Bill. The objections to such appointments was that they gave the idea that for the purpose of the Bill there was to be established a new tribunal, which was to be to some extent, at all events, independent of the Board of Agriculture. He knew quite well that by the words of the Bill these gentlemen were called upon to act under the direction of the Board of Agriculture itself, but that, in his opinion, was but an additional reason for terming them by some name such as inspectors. In view of the large expenditure the measure would involve, it was desirable to avoid the appointment of a novel tribunal whose members were likely to receive larger salaries than were necessary for inspectors. Another point was that the Board of Agriculture was always represented in that House, but if any question arose in connection with the working of this measure in the country, and upon which hon. Members might wish information, instead of giving notice to the Board and getting an immediate answer, they would have to seek it of this Commissioner who might be miles away, and consequently it would take considerable time before a reply was obtained. He thought the House had a right to some explanation from the Government as to why these gentlemen should be appointed at large salaries—higher than was necessary—to act as inspectors. For this reason he moved the Amendment in his name.

Amendment proposed—

"In page 1, line 8, to leave out from beginning of line to end of line 13, and insert the words, 'The Board of Agriculture and Fisheries (hereinafter referred to as the Board) shall appoint such inspectors for the purposes of this Act, to be called small holdings inspectors, (hereinafter referred to as the inspectors).'"—(*Mr. Chaplin.*)

Question proposed, "That the words proposed to be left out, to the word 'shall,' in page 1, line 10, stand part of the Bill."

THE FIRST COMMISSIONER OF WORKS (Mr. HARCOURT, Lancashire, Rossendale) said the right hon. Gentleman and himself had discussed this question in that House and upstairs very frequently, and he was afraid he had no information which he could usefully add. The Commissioners appointed under the Bill would not act as a separate tribunal or an independent body, but would act under the direction of the Board of Agriculture. At the same time, they were people who might usefully and properly be invested with more dignity and importance than that implied in the word "inspectors." It should also be observed that these Commissioners were not only inquiry agents of the Government, but in certain circumstances they would exercise semi-executive functions. The right hon. Gentleman had afforded him a precedent for naming these gentlemen as inspectors, but in reply he would give him another, viz., the Commissioner of Labour under the Board of Trade. On the whole, and after most careful consideration, in the drafting of the Bill the Government felt that they must adhere to the description they had given these gentlemen.

MR. HICKS BEACH (Gloucestershire, Tewkesbury) said the Committee upstairs and the House at large wished to know what was to be the number of these gentlemen, and what were to be their actual duties. They had tried to ascertain these facts, but the right hon. Gentleman opposite had kept them very politely in the dark. The hon. Member for Barnstaple wanted to know whether these Commissioners were to be people whose duty it was to satisfy the Board of Agriculture as to the demand or otherwise for small holdings, and had pointed out that in his constituency there were a large number of villagers. Well, in most constituencies there were a good many villagers, and if these Commissioners had to go about the country inquiring into the demand for small holdings, it would be necessary to appoint, not two Commissioners, but 200. If it were necessary to appoint these gentlemen on so large a scale then they should not be called Commissioners but inspectors, because they would be simply carrying out the functions of inspectors. If, however, on the other hand, these gentlemen were to be persons of supreme power who could override the local authorities, then they ought to be people of considerable influence and position, and it should not be part of their duties to go about the country inquiring at each village as to the requirements of the inhabitants for small holdings and allotments. They must either be inspectors of the Board of Agriculture, or people of supreme authority, and he thought the right hon. Gentleman might take the House into his confidence and tell them what these people were really going to be, and also their salaries and their functions.

MR. LANE-FOX (Yorkshire, W.R., Barkston Ash) asked whether the time had not arrived when information upon the matter, which had been postponed in the Committee, might be forthcoming. It was the first opportunity the House and the country had had of ascertaining from the right hon. Gentleman what the intention of the Bill was. The whole crux of the measure was involved in the work and scope of these Commissioners, and the House had a perfect right to ask for a further explanation. It had been suggested that a large number of these Commissioners would be required. Anyone who considered the cost must see how important it was to the country that they should have further information. The whole thing had been referred to as an agricultural drama at Drury Lane, but he thought the House would agree that it had now become a farce. He appealed to the right hon. Gentleman to throw some light on the subject.

MR. A. J. BALFOUR (City of London) said the right hon. Gentleman had used a phrase which he seemed to have inherited from the Secretary for Scotland. viz., that he could give no reason for their action except that the Government had carefully considered the matter and thought that what they were doing was the best. However satisfactory a ground to take up that might be for the Government, it did not by any means carry conviction to those who did not happen to see eye to eye with them in the matter. It had always been usual for a Government not only to inform the House that they were going to do a certain thing, but also to state the grounds upon which such action was to be taken. The right hon. Gentleman would see that under the working of the Bill two classes of officers were contemplated, viz., the Commissioners and another body of officers described as "other officers." Was he right in supposing that the last named were to be subordinate in rank and importance to the two or more Commissioners? He conjectured also that the idea of the Government was that the number of Commissioners would not be large—for "two or more" could not mean 200 or 2,000—not more than four or five, or some relatively small number. What was the kind of salaries the Government proposed to give to the Commissioners, and were the "other officers" to be, on the whole, a class that could be described as inspectors? It was essential that the House should understand these things. He quite agreed that it was not fair to press the right hon. Gentleman, until he knew the magnitude of the work, to give them the exact number of these Commissioners, but he thought it was not too much to ask for a general explanation of the Government's scheme—whether it was proposed to put a small hierarchy of gentlemen at the head of a large staff of subordinates, or whether the work was to be done by head officials, and also what salaries were contemplated. The question of salaries was of importance, not merely from the taxpayers' point of view, but because if the House knew the salaries which it was proposed to pay they could tell what class of men the Government thought of appointing to carry out the work. If this information were afforded he thought the House would have a very fair idea of the machinery of the Bill.

THE SOLICITOR-GENERAL (Sir W. ROBSON, South Shields,) said the Government could not state the number of officials who would be concerned in carrying out the Bill until they knew what its scope would be, and the same difficulty confronted them when they came to the question of remuneration. At the present stage it was impossible to determine what amount of work would have to be grappled with, and they could not tie themselves down by statutory enactments which were not to be varied. The right hon. Gentleman had told them that the phrase "two or more" must mean not many more than two, but he thought that the proper legal construction upon such a phrase was that there should not be less than two, and no limit was put on the word "more." There might be two Commissioners or there might be more; how many more depended upon the work of the Bill as it developed. It was impossible to attempt to organise the staff until they knew the work that staff was required to carry out. The right hon. Gentleman who moved the Amendment did not ask so much about the number and salary of the Commissioners; his desire was that they should be called inspectors. He thought, however, everyone would agree that the name "inspector" would not be appropriate to the class of men who would be set up under the Bill. Their duties would be of a character far beyond the work of an ordinary departmental inspector. They would have to inquire into the demand for small holdings and allotments, they would have to submit reports and advise the county council, and they might also be called upon to prepare schemes. Of course, whatever they did would be done under the direction and control of the Board of Agriculture. The whole question was one of organisation of the staff, and the real check upon the Board of Agriculture as to salaries and number of officers would be the Treasury, to whom such matters would be submitted, and by whom they would be closely scrutinised.

MR. JESSE COLLINGS (Birmingham, Bordesley) thought the Government might tell them whether the Bill was to be made operative throughout the country within a certain limit of time. If it was to come into operation within a few years then the country might reckon on an enormous expense. If all these elaborate inquiries were to be made in the counties and rural districts of England, inquiry after inquiry and report after report, and all within a reasonable time, then it was nonsense to talk about one or two Commissioners and one or two officers: an army would be required. It would be no difficult matter for the country to realise what the expenditure under the Bill would be if the measure were to become operative within a short period of time. The Bill had been described first as a drama, then as a farce, but he would call it a brilliant piece of political window dressing. The setting up of such a vast machinery at incalculable expense was wholly unnecessary. They might just as well throw the money into the sea. It was a curious thing that the Government, when it had to its hand machinery which only needed a little inexpensive reinforcement, should wish to set up all this remarkable new machinery which partook of the nature of a Land Court and a bureaucracy, and the extent of whose duties no one could define. With a little improvement of the existing machinery an effective system for providing small holdings wherever they were wanted throughout the country could be easily devised.

COLONEL KENYON-SLANEY (Shropshire, Newport) said he would like the Government to see to it that these Commissioners were not elected only for their technical knowledge of agriculture, which of course was essential, but also for their knowledge of the conditions of rural social life. There was also another point of great importance. He trusted that none of the officers appointed would have the smallest trace of Party connection. He could not imagine anything more hopelessly upsetting to the whole scheme of the Bill than that the Commissioners or whatever they were called, should be connected with any political Party. It would be impossible for them to carry out their duties properly if they were not absolutely free from political bias.

*MR. GEORGE FABER (York) said that when the Bill was before the Committee he had expressed his regret that the right hon. Gentleman did not see fit to adopt a system of inspectors rather than of Commissioners, because if, to use a colloquial expression, he had "stuck" to inspectors, he had the machinery at hand at the Board of Agriculture. What happened under this Bill, however, was that the right hon. Gentleman started by appointing "two or more" Commissioners, the total number being unascertained. He was glad to see the Chancellor of the Exchequer present, because he was sure that with his ideas of economy he would be very much disturbed by the vista of extravagance which was opened up before him in this Bill. If Commissioners were appointed they would have to be paid £1,200 or £1,500 a year, and this sum was not confined to two Commissioners but to "two or more." Surely they were entitled to know how many of them there were to be. In regard to that matter he might remind the right hon. Gentleman of the Scottish Small Landholders Bill. A great deal of abuse had been levelled at the Scottish Bill, he had no doubt rightly, but even from the Scottish Bill they might learn something. What did the Scottish Bill say? Liberty was given to appoint not more than five persons as constituting the Scottish Land Court, and not more than three persons as the Agricultural Commissioners. He would like to pray in aid the provisions of the Scottish Bill, let alone all common sense, and ask why they could not settle in this Bill the number of Commissioners and their salaries. The Bill might say not more than three, or four, or five, but to say "two or more" left the whole matter in the region of speculation and the Chancellor of the Exchequer in absolute uncertainty as to how much expenditure was going to be thrown upon a particular year. His first point then was that it would be better to have inspectors rather than Commissioners. His second point was that they should know what limit there was going to be to the number of Commissioners and what their salaries were to be. As the right hon. Gentleman the Member for Bordesley had said, the present proposal seemed likely to throw a huge expenditure upon the Exchequer.

MR. MILDMAY (Devonshire, Totnes) thought the right hon. gentleman was not justified in keeping the House in the dark on this subject. Surely they had a right to know how many of these Commissioners there were to be. The Government might not be able to give the exact figures between two and 100, but at all events they ought to indicate some figure. Nor did he see why their remuneration should not be stated at this stage. They knew what their duties would be, and it ought not to be impossible to put some bounds to their remuneration. They had, he thought, a right to press for more information. He also agreed that these Commissioners should not be men who had been connected with any political Party warfare, because any appointments of that kind could not fail to wreck the Bill.

*MR. HARCOURT, in reply to the right hon. Gentleman the Member for Bordesley, said the Government intended the Bill to be operative within a reasonable limit of time, but he did not share with the right hon. Gentleman the opinion that it would mean the employment of a huge army of officials, nor did he share the feeling that there would be pickings for Party politicians in country districts. He was sorry that the right hon. Gentleman allowed his mind to sink to that level of construction of an Act of Parliament. He was sure there would be no taint of Party considerations about those who were appointed. He would not be responsible for the appointments, but he was sure that the President of the Board of Agriculture and the Secretary to the Treasury would join in the hon. Member's political purism in order to secure an impartial tribunal. The hon. Member wished to know the number of the Commissioners but it was impossible to give it at this stage, but he could give an assurance that their number would be limited by the requirements of the time as they developed. Then the right hon. Gentleman wanted to know something about their remuneration. That was a matter which, of course, must excite the curiosity of the Commissioners themselves when appointed, but it was a question which must be decided by negotiation between the Board of Agriculture and the Treasury, and if the right hon. Gentleman knew as much about the Treasury as he did he need be under no apprehension that the taxpayer would be unduly mulcted.

SIR F. BANBURY (City of London) said he was not a member of the Grand Committee, but he claimed that the Opposition had a right to be fully heard in regard to the Bill. The Amendment commended itself to him for this reason; "Commissioners" was a very large word and might mean anything. It might even mean a separate department, and the establishment of a Land Court. If the Amendment was accepted, these people would only be inspectors of a Department instead of forming a Department themselves. As a taxpayer, he feared he might have to pay more for Commissioners than he would for inspectors.

MR. CHAPLIN owned that he was not altogether free from the apprehensions expressed by the hon. Baronet, having failed to extract any information except that the right hon. Gentleman wished to add to the dignity and importance of the office, the duties of which involved not only judicial inquiry but some administrative functions besides. The speech of the right hon. Gentleman in which he informed them that the number of the Commissioners would be limited to the requirements of the time as they developed did not advance them one iota further than they were before. He would not detain the House as to the duties of the Commissioners, but they wished for some information as to their number and their salaries. In regard to this the right hon. Gentleman had told them nothing. Their number might be quite unlimited. Having done his best to extract information and failed, he had no alternative but to press the Amendment to a division.

VISCOUNT TURNOUR (Sussex, Horsham), in supporting the Amendment, said the proposals of the Government seemed to lack elasticity. As for giving the House and country any idea of what the exact position of these gentlemen was to be, for all the information that had been given the right hon. Gentleman might as well not have spoken at all. The House was in exactly the same position to-day as when the Bill was introduced. The Commissioners under this Bill could not be compared with the Commissioner of Labour. He hoped the right hon. Gentleman or some member of the Government would give the House some idea of the position and *status* of these inspectors, and also of the number of inspectors it was intended to appoint.

VISCOUNT HELMSLEY (Yorkshire, N.R., Thirsk) thought it was a pity that the House should go to a division without some explanation. As usual they had the Government speaking with half-a-dozen different voices. The House certainly ought to know more about these Commissioners. He personally thought the precedent of the Irish Land Acts should have been followed, and the names of the Commissioners put into the Bill. But at all events they ought to know how many there were to be and what their salaries were to be, and he hoped some member of the Government would give the information.

MR. LUPTON (Lincolnshire, Sleaford) said that as the noble Lord who had just sat down had spoken with such an air of sincerity he thought a word or two in explanation ought to be said. If the noble Lord turned to Clause 3, Section 2, he would see: "If the County Council decline to undertake this duty . . . the Board may direct the Commissioners themselves to prepare one or more draft schemes." His noble friend would see very plainly from that that until it was known whether the county councils declined, it was impossible to say what number of Commissioners would be required.

MR. CLAVELL SALTER (Hants, Basingstoke), said that what he desired to know was how the Government expected this measure to work. They were going to start two classes of officials, one obviously of a high class and one described as "such other officers as they think fit." It might be assumed, therefore, that the latter would be in a subordinate position. The leading Commissioners were to ascertain in the country districts whether there was any demand for small holdings. They were to report to the Government, and the Government in opposition to the wishes of the county councils might entrust these gentlemen with the preparation of a scheme and ultimately use them as instruments of coercion against the county councils. He therefore desired to know how their work was to be carried out. Was it contemplated by the Government that the Commissioners themselves would do this work? Would they get into communication with the local people, and would they themselves report to the Government? If so, the Commissioners would have to be very numerous. If they were to act through other gentlemen, would the Government say whether those gentlemen whom the Commissioners were entitled to employ and pay would be local persons? He thought they were entitled to an answer on these points.

Question put.

The House divided: — Ayes, 159; Noes, 51. (Division List No. 401.)

AYES.

Acland, Francis Dyke
Adkins, W. Ryland D.
Ainsworth, John Stirling
Ambrose, Robert
Asquith,Rt.Hon.HerbertHenry
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury,E.)
Barry, Redmond J.(Tyrone,N.)
Beauchamp, E.
Beck, A. Cecil
Bellairs, Carlyon
Benn,W.(T'w'rHamlets,S.Geo.
Bertram, Julius
Birrell, Rt. Hon. Augustine
Bowerman, C. W.
Branch, James
Burns, Rt. Hon. John
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton,Rt.Hn.RichardKnight
Cawley, Sir Frederick
Chance Frederick William
Cheetham, John Frederick
Cherry, Rt Hon. R. R.
Churchill, Rt. Hon. Winston S.
Cleland, J. W.
Clough, William
Clynes, J. R.
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Cooper, G. J.
Corbett,C.H.(Sussex,E.Grinst'd
Cox, Harold
Crooks, William
Crossley, William J.
Curran, Peter Francis
Dalziel, James Henry
Davies, Ellis William (Eifion)
Dickinson,W.H.(St.Pancras,N.
Dickson-Poynder, Sir John P.
Dilke, Rt. Hon. Sir Charles
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Sir Francis (Radnor)
Essex, R. W.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Gladstone,Rt.Hn.HerbertJohn
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harwood, George
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Henderson, Arthur (Durham)
Henry, Charles S.
Horniman, Emslie John
Howard, Hon. Geoffrey
Isaacs, Rufus Daniel
Jones,SirD.Brynmor(Swansea)
Jones, Leif (Appleby)
Jones,William(Carnarvonshire
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Leese,SirJosephF.(Accrington)
Lehmann, R. C.
Lever,A.Levy(Essex,Harwich)
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Lyell, Charles Henry
Macdonald, J. R. (Leicester)
Macdonald,J.M.(FalkirkB'ghs)
Macnamara, Dr. Thomas J.
MacVeagh,Jeremiah (Down,S.)
M'Callum, John M.
M'Killop, W.
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Molteno, Percy Alport
Montagu, E. S.
Morgan, G. Hay (Cornwall)
Morley, Rt. Hon. John
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Napier, T. B.
Nicholls, George
Nicholson,CharlesN.(Doncaster
Nolan, Joseph
Norton, Capt. Cecil William
O'Connor, John (Kildare, N.)
O'Kelly,James(Roscommon,N.
Paulton, James Mellor
Pollard, Dr.
Price, C.E.(Edinburgh,Central)
Pullar, Sir Robert
Radford, G. H.
Rea, Russell (Gloucester)
Rees, J. D.
Richards,T.F.(Wolverh'mpt'n)
Ridsdale, E. A.
Roberts,Charles H. (Lincoln(
Roberts, G.H. (Norwich)
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Rogers, F. E. Newman
Rose, Charles Day
Rowlands, J.
Runciman, Walter
Rutherford, V. H. (Brentford)
Samuel, Herbert L. (Cleveland)
Scott,A.H.(Ashton under Lyne
Sears, J. E.
Sherwell, Arthur James
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley,Hn.A.Lyulph(Chesh.)
Stewart, Halley (Greenock)
Strachey, Sir Edward
Sutherland, J. E.
Ure, Alexander
Verney, F. W.
Vivian, Henry
Ward, John (Stoke upon Trent)
Ward,W.Dudley(Southampton
Wardle, George J.
Warner, Thomas Courtenay T.
Waterlow, D. S.
Wedgwood, Josiah C.

White, Luke (York, E. R.)
White, Patrick (Meath, North)
Whitley, John Henry(Halifax)
Wills, Arthur Walters
Wilson, W. T. (Westhoughton)
Winfrey, R.

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Anson, Sir William Reynell
Ashley, W. W.
Balcarres, Lord
Balfour,RtHn.A.J.(CityLond.)
Banbury,SirFrederickGeorge
Baring,Capt.Hn.G(Winchester
Beach,Hn.MichaelHughHicks
Beckett, Hon. Gervase
Bowles, G. J. Stewart
Bridgeman, W. Clive
Carlile, E. Hildred
Castlereagh, Viscount
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone, E.)
Chaplin, Rt. Hon. Henry
Collings,Rt.Hn.J.(Birmingham
Courthope, G. Loyd
Douglas, Rt. Hon. A. Akers-
Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Harrison-Broadley, H. B.
Helmsley, Viscount
Hill,SirClement(Shrewsbury)
Hills, J. W.
Hornby, Sir William Henry
Hunt, Rowland
Kenyon-Slaney,Rt.Hon.Col.W.
Kimber, Sir Henry
Lane-Fox, G. R.
Long,Rt.Hn.Walter(Dublin,S.)
Lonsdale, John Brownlee
Magnus, Sir Philip
Mildmay, Francis Bingham
Moore, William
Morpeth, Viscount
Nicholson, Wm.G.(Petersfield)
Pease,HerbertPike (Darlington
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Ronaldshay, Earl of
Salter, Arthur Clavell
Sloan, Thomas Henry
Talbot, Lord E. (Chichester)
Thomson,W.Mitchell-(Lanark)
Turnour, Viscount
Wilson,A.Stanley(York,E.R.)

TELLERS FOR THE NOES—Sir Alexander Acland-Hood and Viscount Valentia.

*MR. CHAPLIN moved to leave out the words "except as otherwise expressly provided by this Act." He explained that this was the first of a series of Amendments to the first five clauses, the object of which was to free the county councils from coercion by the Commissioners. The only exception in the Bill to which the words he proposed to leave out referred was where the Commissioners were acting in the case of any default by the county council when they were required to repay the expenses to the Board. The House was aware of the general effect of the first five clauses, which related entirely to the appointment of the Commissioners and the duties and powers vested in them. Having been appointed under Clause 1, their first duty was to ascertain the extent to which there was a demand for small holdings in the several counties, and also the extent to which that demand could be legitimately satisfied under the Act of 1892 and under the operation of this Act. This was done under Clause 2. Under Clauses 3 and 4 the Commissioners were invested with further powers and further duties; and under Clause 5, after all the necessary operations had been gone through, and the scheme had been presented for small holdings, with the approval and sanction of the Board, the county council were required to give effect to that scheme, and if they refused the Commissioners appointed under this Act were empowered and would be instructed, must indeed be instructed, by the Board to carry out that scheme themselves. In these circumstances he had been considering in what way these difficulties could possibly be met, because it was to this provision for what he must call coercing the county councils and for spending—quite possibly, as they thought, for squandering—the rates, that they in that part of the House without a single exception took the greatest objection. They regarded it as a new and dangerous, and he believed he should not exaggerate if he said an unconstitutional, departure from all the traditions hitherto accepted in regard to local government in this country, with the exception of one or two comparatively trifling matters relating to sanitary purposes and the public health. They thought it an entire departure that any Government Department should be empowered to over-ride the wishes and decisions of a great local body like the county council, which, they must remember, were elected on the widest possible suffrage. The right hon. Gentleman might say, as he had said the other night in Committee, "Oh, but such extreme measures as this are not likely ever to be taken." But if they were not going to use these powers, why on earth should they begin by putting into the Bill such proposals, which were certain to put up the backs of the county councils and prejudice them both against the Government and against the measure which they were proposing? And there was no use in it. He had pointed out this both on the Second Reading of the Bill, and again upstairs, and he had quoted the well-known case of the Forest of Epping, where powers of a similar character, which were in existence more than fifty years ago under the old Sanitary Act of 1866, were placed by the Secretary of State in the hands of a person with orders to carry out proceedings which the local authority of those days had already refused to undertake. That was attended with such disastrous results that no Government Department from that day to this had ever again attempted for a moment to enforce proceedings of that kind. The Leader of the Opposition had called attention to this, and again and again his right hon. friend had driven this argument home. Not a single Member on the other side of the House, and not a single Member on the Government Bench, had ever attempted to refute it. He felt, therefore, that he was justified in reminding right hon. Gentlemen opposite of the position with which they would be confronted if they ever attempted to coerce the county councils in earnest. He would be told that their Bill would be a failure, possibly a dead letter, without these powers. He thought himself that it was exceedingly probable that in its present form the Bill, even if it became law, was destined to have little, if any, success. He based his opinion on two points at least, though he would not confine himself to two. The principal one was that which they were now discussing, the coercion of the county councils, and the other was one on which he would also have something to say when they came to Clause 6 on compulsory hiring. He did not want to see this Bill a failure. Quite the opposite. He was as anxious as anybody in the House, if it were possible, to see a wise extension of the system of small holdings in all parts of the country wherever the locality and the conditions were favourable. He did not believe for a single moment that the county councils were in the least antagonistic to a reform of this character. On the contrary, he believed that if the Government gave up the attempt to coerce them, and they could see their way to carry out with success the scheme presented to them by the Board of Agriculture and the conditions were favourable, the great majority of county councils would be just as ready, and willing to proceed in this matter as the right hon. Gentleman in charge of the Bill, or even his right hon. friend the Member for the Bordesley Division himself. Why should it be otherwise? There were no people who were better acquainted with the agricultural conditions which prevailed in the whole of the counties of England and Wales than the members of the county councils. They knew just as well as Members of that House, and probably better, what the benefit would be to the interests of their own counties, the country, and the community as a whole, if the rural industry of the Kingdom could be supplemented, especially in certain localities, by the successful cultivation of small holdings in all the various parts of the country. Therefore, he held that the county councils, if they were properly treated, and they were afforded an opportunity of really judging for themselves when and how far schemes of this kind might be made with success, would go into the question with just as much zeal and energy as his right hon. friend opposite. But supposing he was wrong. Then he had placed on the Paper Amendments to several of these clauses to provide an alternative by which they could ensure making the Bill a success if they availed themselves of it. Clause 5, if amended in the way he suggested, would read—

"5. (1.) It shall be the duty of a county council to carry into effect any scheme prepared by them or which they elect as hereinafter mentioned to carry into effect, within such time as may be specified in the scheme, or within such further time as may be allowed by the Board, and for that purpose the council may exercise any of the powers conferred on them by the Small Holdings, Act, 1892, or by this Act.

"(2.) In the case of a scheme prepared by the Board unless the county council within six months after the confirmation thereof by the Board give notice to the Board that they elect to carry the same into effect the Board may take such steps as may be necessary for carrying the scheme into effect, and shall for the purpose have all the powers of a county council in relation to small holdings under the Small Holdings Act, 1892, and this Act, and those Acts shall apply as if references to the Board were substituted for references to a county council:

"Provided that the expenses incurred by the Board in the exercise of such powers in relation to any scheme shall be paid out of the Small Holdings account."

There was already in the Bill a clause giving very considerable powers in this direction. If his Amendment were adopted, the whole of the existing machinery for obtaining information, for the preparation of schemes, for obtaining the approval of the Board for these schemes, and for communicating them to the county councils of the country, would remain absolutely intact. If the change he suggested gave real promise of success and the people desired it, he was confident the county councils would not decline to accept it, because in a matter of this kind they would infinitely prefer to have the control in their own hands rather than in the hands of any outside authority. If they declined, the remedy provided would be complete. In the first place, the people who desired an operation of this kind would be able to give effect to their wishes in the most legitimate and natural way, because at the next election they could turn out the recalcitrant members who had ignored their wishes and put others in their place. Meantime, the Board could go on with their scheme without any delay, and as the Bill was put forward with the view of promoting a great national object, he could not conceive why there should be any objection to its being done out of national funds. He believed his Amendment, if accepted, would do more to make the measure really operative and successful in the country than anything else that could be proposed. He hoped all sides of the House would take this question into their most serious and unprejudiced consideration. Unless the Bill were altered in the direction he had indicated, notwithstanding all the hopes and anticipations formed of it by its author and his earnest desire for a considerable addition to the small holdings in this country, he was convinced that it would not achieve the object which they desired. He begged to move the Amendment standing in his name.

*MR. SPEAKER: I did not wish to interrupt the right hon. Gentleman on account of the position he occupies in regard to this question and because I desired to hear what he had to say upon this point. I have, however, come to the conclusion that this Amendment is out of order. This Clause lays down that—

> "And all expenses incurred by those Commissioners and officers in the execution of their duties under this Act, to such amount as may be sanctioned by the Treasury shall (except as otherwise expressly provided by this Act) be defrayed out of money provided by Parliament."

That exception must refer to Clause 5, paragraph (2), which says—

> "Provided that such expenses as the Board certify to have been incurred by the Commissioners in the exercise of such powers in relation to any scheme shall on demand be repaid to the Board by the county council in default out of the county fund."

That was the exception contemplated in Clause 1. This Amendment would cause those expenses instead of being charged on the county council rate, to come out of the Small Holdings Account, and it would relieve the rates at the expense of the national exchequer. That would involve an additional charge on the exchequer, and no such proposal as that can be made upon the Report stage of a Bill.

*MR. CHAPLIN said with great respect he desired to call attention to the fact that there was already in the Bill a subsection which appeared to embody a great deal of what he had suggested in his Amendment. Sub-section (3) of Clause 5 provided that—

> "If it appears to the Board that the carrying out of a scheme under this Act has resulted or is likely to result in a loss, the Board may, with the consent of the Treasury, pay or undertake to pay out of the Small Holdings Account the whole or any part of that loss."

There was also a provision in the Act of 1902 which still held good, to the effect that the county councils were prohibited from acquiring land unless they saw the way to obtain it at a price which would prevent any loss whatever to them. If that provision was retained there could be no loss, and if there was no loss there could be no transfer of charge to Imperial funds. It was upon those two clauses that he desired to ask Mr. Speaker whether his Amendment might still be permissible.

*MR. SPEAKER: I cannot get over the difficulty which the right hon. Gentleman suggested himself, that the effect of this Amendment, together with his other

Amendments, is to transfer a charge which the Bill, as it now stands, lays upon the rates. That is the whole point. The right hon. Gentleman is anxious to transfer that charge to the Exchequer, and we cannot do that upon the Report stage of a Bill.

MR. A. J. BALFOUR (City of London) said the position in which they were placed was really very significant and serious. They had not been allowed to deal with this subject on the Committee Stage because the Bill was sent upstairs. In the opinion of hon. Members on both sides of the House this was the most important and crucial point in the whole measure, and many of them thought it was on the decision the House came to upon this subject that the success or failure of the Bill was likely to turn. Could any means be suggested by which the enforced silence of the House as a whole might be got over? Could the Government, by recommitting the Bill or otherwise, give them a chance of debating and coming to a conclusion upon the most important, the most difficult, and the most crucial question in the whole Bill?

*MR. HARCOURT said he would not now proceed to argue the merits of the Amendment. In replying on the whole question, he hoped to be able to say something which might relieve the difficulties which had been felt in this matter. The hon. Baronet the Member for the Chippenham Division had on the Notice Paper an Amendment on the subject with which they were now dealing. He was able to make an announcement to the House, which, he thought, would indirectly carry out the hon. Baronet's suggestion. He had been throughout in close communication with the representatives of the County Councils Association as to the proposals contained in the Bill generally. There were several points which they wished to have altered when the Bill was in Committee. He had met them on practically all those points except one. He had met representatives of the County Councils Association again to-day in conjunction with the Chancellor of the Exchequer, and they had considered the Amendment of the hon. Member for the Chippenham Division, which contained the final request put forward by the County Councils Association. It was the only point which he had not been able to meet. He at once told the representatives of the association that it would be out of order to discuss it on the Report stage of the Bill, because it proposed to put a charge on the Executive. But on behalf of the Government they would make a suggestion to the County Councils Association, and, though he did not wish to pledge them, they gave the Chancellor of the Exchequer and himself the impression that it was satisfactory to them. The suggestion was that regulations should be passed in the form of a Treasury Minute, stating exactly the method of action which would be taken by the Treasury under Subsection (3) of Clause 5. In Committee words were added to the sub-section which he had not intended should be put in, but he intended loyally to accept the Amendment which was made. That subsection dealt with the action which might be taken by the Board of Agriculture in either of two alternative cases. The words of the subsection were—

> "If it appears to the Board that the carrying out of a scheme under this Act has resulted, or is likely to result in a loss, the Board may, with the consent of the Treasury pay or undertake to pay out of the Small Holdings Account the whole or any part of that loss."

What the County Councils Association had asked was that there should be some definite pledge that in cases where the county councils had acted themselves, and where they were able to obtain a certificate from the Board of Agriculture that they had acted reasonably, one half of the loss should be paid by the Treasury. He was authorised by the Chancellor of the Exchequer to say that, subject to the precautions and inquiry which would be taken by the Treasury in this matter, and, subject to the limitations they might lay down, they were prepared to issue a Minute which would go to the councils, saying that in those cases they would pay half the losses that might be incurred on receipt of a certificate from the Board of Agriculture that the county council had acted reasonably and taken due precaution, and that the Board were satisfied the loss was irrecoverable. It did not carry out all that was wished on the opposite side, but he thought it satisfied the County Councils Association, whose cordial help he was most anxious to have after the Bill came into operation.

MR. A. J. BALFOUR thanked the right hon. Gentleman for his statement and for the evident desire which moved him to meet the wishes on the Opposition side of the House. He submitted, however, that if the Bill already authorised a payment which was now fixed at a half by the arbitrary action of the Treasury, it was surely open to the House to fix it permanently at a whole.

SIR W. ROBSON, on the point of order, submitted that there was some difference, as regards the potential burden on the Exchequer, between the option the Bill now gave to the Treasury and a compulsion which would operate against the Treasury.

MR. CHAPLIN asked whether he was to understand from the hon. and learned Gentleman that it was within the power of the Treasury to make this concession even supposing it was not in the Bill. If that was so, could the power of the Treasury to pay a half not be extended to pay the whole?

*MR. HARCOURT said the power was in the Bill at the present moment. The subsection which he had already quoted gave the power. What he had proposed to do was perfectly simple. It was to meet the desire of the County Councils Association that the Treasury should state beforehand how they would proceed under this clause. Where the Board were acting in default of a county council, the Board of Agriculture might, with the consent of the Treasury, pay the whole or any part of the loss.

*MR. SPEAKER: In regard to the point of order which has been put to me, on the face of it, so far as I have been able to understand it, I do not see how the Treasury can get over the proviso to paragraph (2) which says—

> "Provided that such expenses of the Commissioners as the Board certify to have been incurred by the Commissioners in the exercise of such powers in relation to any scheme shall on demand be repaid to the Board by the county council in default out of the county fund, ..."

I do not know how the Treasury can go behind that and say that, whatever happens, they are to pay half.

MR. A. J. BALFOUR asked whether it would be in order to endeavour to embody in Subsection (3) the substance either of the concession which the right hon. Gentleman had just very courteously made, or, even to go further and say that the concession should cover the whole of the loss to the county council in carrying out the provisions of the Bill. It seemed to him most natural to suppose that if the Treasury could pay a half they could also, if they were willing, pay the whole.

*MR. SPEAKER: It seems to me that when Subsection (3) is reached it may be possible to leave out "may" and insert —I put it in common parlance—"shall pay half."

MR. A. J. BALFOUR: Is it not equally open to the House to direct that they shall pay the whole?

*MR. SPEAKER: No, I do not think so.

MR. A. J. BALFOUR: Perhaps we ought to reserve any more detailed questions until we come to the subsection.

SIR J. DICKSON-POYNDER (Wiltshire, Chippenham) said the right hon. Gentleman's proposal, if carried, would leave the matter in a worse position than it was in now. The Amendment would limit the power of the Treasury to pay less than the whole. A county council might undertake a scheme whereby a loss would be incurred, and it was conceivable that the council should bear either the whole or part of the loss. He sincerely hoped that power would be left to the Treasury to pay only part of the loss.

*MR. CAVE (Surrey, Kingston) said that the point had not yet been made quite clear. The right hon. Gentleman distinguished between the two cases, the case in which the County Council carried out a scheme and that in which the scheme was carried out by the Commissioners. Would the Treasury Minute apply to both?

*MR. HARCOURT said that where the Commissioners had acted in default of the county council, then the sub-section of the Bill would become operative for this purpose, and there would be no Minute. The Minute applied to the case where the county council was acting without any default. The Minute would then be drawn up and, subject to proofs of due and reasonable precautions being forthcoming, there should be paid one half of the loss.

MR. HICKS BEACH moved an Amendment providing that the Commissioners, acting under the directions of the Board, shall, "on the application of any five or more county electors or of the council of any borough or urban or rural district, hold a local inquiry to" ascertain the extent to which there was a demand, either actual or prospective, for small holdings in the several counties, and the extent to which it was reasonably practicable to satisfy the demand. He thought it very important that the Commissioners should not go roaming about the country to see whether there was an actual or prospective demand for small holdings and allotments. It would, he contended, seriously reduce the expenses of the Commissioners if, instead of roaming about the country to stir up a demand for small holdings and allotments, they only went, as provided for by his Amendment, to those places where an application for small holdings or allotments had been made by any five or more county electors, or by the council of any borough or urban or rural district council to hold an inquiry in their locality. He did not think that that would in any way be detrimental to the interest of the Bill or the furtherance of the institution of small holdings and allotments. Unless some such restriction were put in the clause, there would be absolutely false and unreal demands in the country districts for small holdings and allotments. It must be very obvious that if a stranger went to a village and said that if anybody in the village wished to have a small holding or allotment, he thought he would be able to get it for him, everybody in the village would at once say that he would like a small holding or allotment, but the Commissioners would have no means of determining whether these men were in a fit position to take or were capable of working a small holding. It was well known that there were labourers who were perfectly capable of doing so, but, on the other hand, there were others who if put into a small holding or allotment would soon bring disaster upon themselves and on the holding. A public inquiry on the application of five or more county electors, or a borough, urban, or rural district council would be a check on a non-genuine demand. The parish councils knew everybody in the district and they would be able to place before the Commissioners and the County Council itself the names of the people who really wished for small holdings who were of sufficient standing and capable of working them to advantage. He hoped the Government would consent to some such words as he had suggested in his Amendment being inserted in the clause. He begged to move.

MR. BECKETT (Yorkshire, N.R. Whitby) seconded the Amendment. He was quite sure that the reason which the hon. Member for Tewkesbury had put before the House would appeal to the Solicitor-General. But there was a further reason why they should consider seriously the Amendment besides that it would lessen the expenses of the Commissioners, and that was that the electors of the county council and the borough and the urban and rural district councils would be better informed as to the reality of any demand for small holdings or allotments than gentlemen who came down from London in the guise of visitors and simply asked if the villagers wanted small allotments.

Amendment proposed—

"In page 1, line 24, after the word 'shall' to insert the words 'on the application of any five or more county electors or of the council of any borough or urban or rural district hold a local inquiry to.'"—(*Mr. Hicks Beach.*)

Question proposed, "That those words be there inserted."

SIR W. ROBSON said that the Amendment of the hon. Gentleman would complicate the machinery of the Act while it would be really superfluous. First of all, as the clause now stood, the Commissioners were to ascertain by means of letters, interviews, information from the local authorities, from electors and so forth, whether there was a demand for small holdings in a particular district. Instead of proceeding in this informal manner the hon. Member suggested that the Commissioners should stay their hand until they received an application from five or more electors of county or urban district councils. That would certainly be a check on the official inquiry, and such procedure had not proved efficient in similar cases. The next point in the Amendment was that there should be a public inquiry by the Commissioners. He thought that would be very undesirable. Under the Bill the Commissioners were to report to the Board, then the county council were to prepare draft schemes, and afterwards a public local inquiry was to be held into the schemes. To introduce another public local inquiry into tho machinery of the Bill would be detrimental to its working.

MR. CHAPLIN said it seemed to him that the Amendment was a thoroughly reasonable one. The hon. and learned Gentleman asked why they should make this measure more complicated than at present? But surely no complication would arise if there was an application by five or more electors for a public local inquiry. He could not see that that procedure would be superfluous. It would be only human nature for the Commissioners to make business for themselves in order to justify their existence. If no application was made by five or more electors for an inquiry that would show that there was no demand in the district or parish for small holdings. Did any one mean to maintain that if there was a real demand for small holdings, five electors could not be got together to make it? If they could be got together there would be some confirmation of the action of the Comissioners. The hon. and learned Gentlemen had said that there were to be two inquiries—one when the schemes were being framed and the other when the land was to be taken. But that was a totally different thing. The local inquiry asked for by the Amendment was to ascertain from what transpired at the inquiry whether there was a real demand for small holdings in the district. What objection could there be to that? If it was desired that the Commissioners should get the best information on which to base their report to the Board there was nothing more certain than that they would get by such an inquiry a really true and reliable indication as to the actuality of the demand.

MR. STANLEY WILSON (Yorkshire, E.R., Holderness) did not agree with the Solicitor-General in hoping this Amendment would not be pressed, because he considered that it was essential that there should be a local inquiry. He rather agreed with the Solicitor-General on one point: he did not like the number five. The introduction of the Bill would create a demand for small holdings, and it was necessary to know whether those who applied for them were able and fitting persons to carry them on. There were many people in the North of England, he knew, who applied, who were not fit to carry on small holdings, or to equip them. There were people who thought that the Government ought not only to give them the land but to equip it. Therefore he thought that there should be a local inquiry as to the fitness of those who came forward.

*MR. ESSEX (Gloucestershire, Cirencester) thought that this somewhat specious Amendment deserved investigation. Of course, it seemed the most natural thing in the world that they should inquire as to which were the districts to which it was desirable that the Bill should be extended, and who were the persons to whom it should be applied. He had directed the attention of his hon. friend to the case of some land which was going into market, where the labourers in the district said they wanted this land cut up into small holdings. They sent to a friend of theirs and asked if he could not do something, this Bill not being passed giving the necessary powers. Their friend went down and saw them and told them that if they wished to get this land cut up into small holdings he would like to know how many of them were willing to sign expressive of a wish to take them. They said fifteen or sixteen. The gentleman undertook to lay the matter before the proper authorities, but in the result he could only get two persons to send in their names. The reasons the others gave might or might not have been justified, but they said that if they gave in their names not only would they not get the holdings but they would be turned out of their cottages. As he had said, they could only get two signatories, although in that district small holdings were desired. This, he thought, showed the necessity of an inquiry of such a carefully considered character that in the ascertainment of local needs labouring men should feel they might safely have a voice and opinion though it were against the opinions of the lord of the manor, the squire, or the local estate agent. The necessity for the Bill was shown by the fact that in his own county of Gloucestershire there were now 6,500 fewer people on the land than there were twenty years ago. If this apparently innocent proviso were put in it would, he thought, defeat the ends which they had in view.

MR. AUSTEN CHAMBERLAIN (Worcestershire, E.) said he had not had the advantage of being a member of the Committee, but he had listened with great interest to the speeches. The speech of the hon. Member for Cirencester led him to a conclusion diametrically opposite to that of the hon. Gentleman, that the labourers feared they would be turned out of their cottages. He was sure that the hon. Member would be the first man to tell the labourers that such fears were unfounded. But supposing there was this fear in the minds of some of the labourers, how were they going to ascertain the demands which existed without inquiry? The fact that these men were shy of expressing their opinion was the very reason for having an inquiry. The Commissioners had to say in what locality the land was desired, in what proximity to other holdings it was desired, and how could they inform themselves unless they had a local inquiry?

MR. GIBBS (Bristol, W.) said that the fact that this matter had been discussed upstairs was no reason why they should not have a discussion upon it in the House. He wished to support the proposal of the hon. Member for Tewkesbury. The Bill, in the absence of local urgency, would stir up men to apply for holdings who could not work them. If a local committee were appointed such as that suggested they would find out more information than by the means laid down in the Bill.

*MR. COURTHOPE (Sussex, Rye), denied that it was against the interests of landlords that small holdings should be created, and said he would like to come across a landlord holding that view.

*MR. WINFREY: The Crown, as landlords, were against small holdings.

*MR. COURTHOPE said he had never discussed the matter with the Crown, but he had with individual landlords, and their view was not opposed to small holdings. Landlords wanted the men who had left the land back again and they would do anything to get them back. The reason small holdings had not been established under the Act of 1892 was not that the landlords did not want them, but because owing to the heavy cost of equipment they could not let them at rents at which the would-be holders could make them pay. He was doubtful personally, but he hoped the Bill would bring men back to the land in their thousands and tens of thousands from the point of view of the interest not only of the nation but also of the landlord. He had the misfortune to be a landlord, and he spoke feelingly. It would save the landlord if they could bring the labourers and the yeomen back to the land, and he hoped the Bill would do this. He thought, however, that the demand for small holdings should proceed in the first instance from the locality. It should not be merely created and fostered by people coming from outside. He was perfectly certain that if the people in the locality believed they could profitably cultivate small holdings, they would apply for them, and any demand made in that way would probably be a sound demand after consideration of economic conditions. On the other hand, if Commissioners went from London into a locality and asked this and that person if he would like a piece of land they would perhaps create a false demand and be quite regardless of local and economical conditions. Small holdings would thus be set up which would never have the slightest chance of succeeding. It was in order to prevent that kind of thing that he thought some provision should be put in the Bill to ensure that the demand came from the people in the locality and was not created by Commissioners from outside suggesting to men that it would be nice for them to have a piece of land to cultivate.

MR. LAMBTON (Durham, S.E.) expressed surprise at the observation of the hon. Member for Cirencester that he could not support the Amendment because he feared if labourers expressed their desire for small holdings they might be turned out of their cottages by their landlords.

*MR. ESSEX said he knew of a case, and he imagined there might be others, where it was feared that an inquiry might have that result.

MR. LAMBTON said he could hardly follow the distinction, but he would remind the hon Member that Subsection (4) of the Bill provided that if in the course of their inquiries the Commissioners received any information as to the existence of a demand for small holdings they should communicate with the council, so that these unfortunate men, even under the Bill as it stood, would have their petitions made public and, according to the hon. Member, be turned out of their cottages by their landlords.

COLONEL KENYON-SLANEY admitted that agricultural labourers, as a class, were very suspicious and extremely reluctant to commit themselves by putting their demands on paper, but it was not for the reason stated by the hon. Member for Cirencester. He however wished to draw attention to a point which had, he thought, been overlooked. Hitherto they had considered this matter from the point of view of those who supported small holdings; he reminded the House that there would probably be a certain number of labourers very much opposed to the acquisition of land for small holdings because it would deprive them of the occupation they already had; they would have in consequence to leave their cottages and find work elsewhere, and though they might be compensated under the Bill they might not think the compensation received as adequate. He therefore thought an inquiry of this sort was necessary because it would give the Commissioners some knowledge of those opposed to small holdings and enable them to hold the balance fairly and act in the interest of the bulk of the community. It was desirable in the interest of all parties that there should be some preliminary inquiry, because the great danger of the Bill was that it would stimulate desires and create false demands.

MR. GODFREY BARING (Isle of Wight) said that if the hon. Member for South-East Durham would go with him he could point out to him many landlords who spoke in the most unmeasured terms of the making of small holdings, and it was those gentlemen whom they had to deal with by legislation. The right hon. Member for East Worcestershire had said he was certain there were no villagers so nervous as to think of the results which would follow an agitation for small holdings. The right hon. Gentleman did not display much knowledge of the subject. It was exceedingly dangerous at times for any villagers to take a prominent part. [Cries of "Portsmouth."] Hon. Gentlemen opposite quoted one case where a Liberal landlord had been indiscreet, but how many cases were there where the friends of hon. Gentlemen opposite had been more than indiscreet. [Cries of "Name."] It would take him much too long to give the full catalogue. He believed that a local inquiry would not be the best means of ascertaining the real wishes of the villagers. Villagers who wished to obtain small holdings would have to go before the Commissioners and at a local inquiry would be cross-examined as to their financial means, &c. It would be far better for the Commissioners to go round the district and find out in private conversation if there was a desire for small holdings. A local inquiry would enormously add to the complication and the expense of the Act while the villagers present at it would not be able to do themselves justice.

MR. BRIDGEMAN (Shropshire, Oswestry) suggested that if the Commissioners were to go round the country conversing with all those who might want small holdings there would need to be two or three hundred of them. It would certainly be difficult to calculate the number that would be required. He did not think the hon. Member for Cirencester quite understood the point of his hon. friend's Amendment. He had used this opportunity to raise the question of bad landlords who would illtreat anyone who allowed his voice to be heard. No doubt there would be some such cases. He also agreed that it was not easy to persuade agricultural labourers to put their name to anything on paper. He pointed out that under the Amendment the five requisitionists for a local inquiry need not be actual applicants for small holdings. The object of it was merely to secure that there should exist a *bona fide* and serious demand.

*MR. WINFREY (Norfolk, S.W.) said there were cases where he thought the Commissioners might wisely move without waiting to be approached by five county electors. He would give the House an example of what had occurred within the last fortnight. He was chairman of the Lincolnshire Small Holdings Committee, who had just taken 700 acres of land from the Crown in a district where he very much questioned that there were five voters to move in the matter of small holdings. The moment they took the farm they received applications by post from people of the surrounding villages desirous of getting small holdings. He conceived that it would be the duty of the Commissioners when they knew that land was coming into the open market or otherwise to visit the surrounding district to find out whether small holdings were wanted, instead of waiting to be moved by five county electors. It would be a pity to tie the hands of the Commissioners in such a case as that. He did not see the value of the Amendment, and he thought the hands of the Commissioners should not be unnecessarily tied.

MR. JESSE COLLINGS (Birmingham, Bordesley) said that the hon. Member described what the Bill ought to do, but did not. The whole difficulty was that in the mind of the hon. Member, and in the mind of the Government, they mixed up allotments and small holdings. Allotments must always be in the localities where the men were at work. No such conditions applied to small holdings. Therefore instead of making all these elaborate inquiries, let the Commissioners or the county councils do what the hon. Member had just described—let the supply precede the demand. Let them get 600 or 700 acres of land, or whatever was the quantity required, and divide it into small holdings, with homesteads on them, and they would then have nothing to do but publish the conditions on which they were to be sold. Let them do that, and let them have the holdings and houses all ready for occupation, and they would have twenty applicants, ten of whom would be men brought up on the land, and thoroughly good cultivators and suitable men. What they had to do was to see that there was a colony, so that they should have a little community; that was all they had to do; but the supply must precede the applications. If they had waited for Commissioners and inquiries they would not have seen Catshill, which was the *bête noir* of hon. Members opposite, because it defeated their arguments. He had received scores and scores of letters from all classes of men who had been brought up on the land, but who were now employed as cab-drivers, caretakers, coachmen, etc., in towns. These men all wanted to get back to the land. Some of then, perhaps, had saved a little money, which they were prepared to invest in a holding, but they did not want to be the tenants of any one. They wanted their own land and homesteads to which they could take their families, where they could work and save money, and which they could hand down to those who came after them.

*MR. SPEAKER: The right hon. Gentleman is going a very long way from the Amendment.

*MR. GEORGE ROBERTS (Norwich) said it had struck him as a very interesting feature of the debate that the landlords should evince such a great love for the labourer. For his part he agreed that there might be good landlords as well as bad landlords, but he would respectfully point out that the good landlords had nothing to fear under this Bill. It was not good enough to tell them there were no such persons as bad landlords in existence. Some of them knew that there were landlords who exercised their powers in a very arbitrary fashion. He was reminded of one remark made by the hon. Member for the Rye Division. In conjunction with other Members the hon. Gentleman sadly lamented the migration of agricultural labourers into the towns and presumably into other countries.

*MR. SPEAKER: The hon. Member is going a very long way beyond the Amendment, which simply lays down that application is to be made by five county electors.

*MR. GEORGE ROBERTS said the Amendment proposed that the incentive must come from within the parish itself.

For his part, one of the most attractive features of the Bill was the provision for the work of the Commissioners. He thought they were all agreed there was great national need that the land of the country should be cultivated, and he hoped that the appointment of Commissioners would have the effect of creating a demand for land and that they would not need to wait for the demand first to emanate from the labouring classes. He agreed that it was a great disaster that the agricultural population should be so depleted, but he felt that had the landlords made the lot of the agricultural labourer more attractive, and given him better remuneration, they would not be lamenting to the same degree the migration from the rural districts to the towns. The labourer was reticent and diffident, which was largely due to the fact that he had been kept in a state of subjection. Those who were acquainted with village life knew full well that there was a strong objection on the part of the agricultural labourer to communicating with the powers that be; but if Commissioners made inquiries he thought they would be enabled to find out that the labourers wanted land. He believed that they would be quite willing to take small plots of land and cultivate them. The duty of these Commissioners should be to help to create a desire on the part of the agricultural population to till the soil, which, in his opinion, was essential for the well-being of the community.

*MR. LEIF JONES (Westmoreland, Appleby) said he was afraid there was not much hope of inducing the hon. Member to withdraw his Amendment, which he ventured to think would really serve no useful purpose in the Bill. As the hon. Member had shown, there was hardly any county in England in which five electors would not be willing to come forward and ask that there should be such an inquiry. That condition being so easily fulfilled, rendered the Amendment useless for the purpose for which it was designed. He suspected that the emphasis should be put on the words "local inquiry." The Amendment would make a local inquiry compulsory in every case, but there must be cases within the experience of hon. Members where it was more desirable that there should be private than public inquiry. It would be wiser that the Commissioners should be left free to get their information in their own way. There could be no earthly object in forcing a public inquiry in every case. The Commissioners would be sensible men with agricultural knowledge, and if they could get information in other ways without holding an inquiry why should they not be allowed to do so? Another argument against the Amendment was that it would insert another cause of delay in the Bill. The danger was that too long a time might elapse between the demand for holdings and the getting of them. They wanted to shorten the process and not to lengthen it. He appealed to the House to reject the Amendment.

SIR F. BANBURY said the hon. Gentleman who had just sat down thought the Amendment was not likely to have any effect; if that were so, he failed to see why there should be such extraordinary opposition to it.

MR. LEIF JONES: Because of the delay.

SIR F. BANBURY thought it was more likely to expedite matters than not, because five county electors, if they had anything to do with the land, could ask for an inquiry at once. If, on the other hand, the Commissioners went about until somebody approached them, and until something had been said, the probability was that greater delay would occur. But a little side-light had been thrown on the matter by the hon. Member for Norwich, who said the Commissioners would help to create a desire for small holdings among agricultural labourers. He thought the object of the Bill was to satisfy a great desire already existing among the people to get land, which desire could not be satisfied. But if the desire did not exist what was the use of creating it? Did the hon. Member opposite want the Commissioners to run about trying to induce people to take land? They appeared to be so afraid that the demand for small holdings would be so small that, to quote an elegant phrase used by the Under-Secretary for the Colonies, unless the people were well gingered the results of the Bill would not be satisfactory. It had been said that there was a danger of the agricultural labourer being turned out of his cottage. Even when this scheme had been set up the agricultural labourer would be exposed to the same danger, because if he took a holding there would still be the extraordinary hostility of the powers that be. He did not think there was anything in that argument at all. He should support the Amendment of his hon. friend.

MR. A. J. BALFOUR: I suggest that we should now come to a decision upon this point.

Question put.

The House divided:—Ayes, 62; Noes, 221. (Division List No. 402.)

AYES.

Acland-Hood,RtHn.SirAlex.F.
Anson, Sir William Reynell
Aubrey-Fletcher,Rt.Hon.SirH.
Balcarres, Lord
Balfour,RtHn.A.J.(CityLond.)
Banbury,Sir Frederick George
Baring,Capt.Hn.G(Winchester
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W, Clive
Butcher, Samuel Henry
Carlile, E. Hildred
Castlereagh, Viscount
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone, E.)
Chamberlain,RtHn.J.A.(Worc,
Chaplin, Rt. Hon. Henry
Cochrane, Hon. Thos. H. A. E.
Collings,Rt.Hn.J.(Birmingh'm
Courthope, G. Loyd
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Gretton, John
Harrison-Broadley, H. B.
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hornby, Sir William Henry
Hunt, Rowland
Kenyon-Slaney,Rt.Hon.Col.W.
Keswick, William
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Long,Rt.Hn.Walter(Dublin,S)
Lonsdale, John Brownlee
Magnus, Sir Philip
Middlemore,JohnThrogmorton
Mildmay, Francis Bingham
Moore, William
Morpeth, Viscount
Nicholson,Wm.G.(Petersfield)
Pease,HerbertPike(Darlington
Powell, Sir Francis Sharp,
Randles, Sir John Scurrah
Rawlinson,JohnFrederickPeel
Ronaldshay, Earl of
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Staveley-Hill, Henry (Staffs'h.
Talbot, Lord E. (Chichester)
Thomson, W.Mitchell-(Lanark)
Turnour, Viscount
Valentia, Viscount
Wilson,A.Stanley(York,E.R.)

TELLERS FOR THE AYES—Mr. Hicks Beach and Mr. Beckett.

NOES.

Abraham,William(Cork,N.E.)
Acland, Francis Dyke
Adkins, W. Ryland D.
Ainsworth, John Stirling
Alden, Percy
Ashton, Thomas Gair
Asquith,Rt.Hon.HerbertHenry
Baker, Sir John (Portsmouth)
Baker,JosephA.(Finsbury,E.)
Baring,Godfrey(IsleofWight)
Barlow,Sir John E. (Somerset)
Barry, Redmond J.(Tyrone,N.)
Beauchamp, E.
Beck, A, Cecil
Bell, Richard
Bellairs, Carlyon
Benn,W.(T'w'rHamlets,S.Geo.
Bertram, Julius
Bethell,SirJ.H.(Essex,Romf'rd
Bethell, T. R. (Essex, Maldon)
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Bramsdon, T. A.
Branch, James
Burns, Rt. Hon. John
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton,Rt.Hn.RichardKnight
Cawley, Sir Frederick
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Cleland, J. W.
Clough, William
Clynes, J. R.
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Collins,SirWm.J.(S.Pancras,W.
Cooper, G. J.
Corbett,C.H(Sussex,E Grinst'd
Cox, Harold
Craig,HerbertJ.(Tynemouth)
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Dickinson,W.H.(St.Pancras,N.
Dickson-Poynder, Sir John P.
Dilke, Rt. Hon. Sir Charles
Duckworth, James
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Edwards, Sir Francis (Radnor)
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Findlay, Alexander
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gibb, James (Harrow)
Gladstone,Rt.Hn.HerbertJohn
Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harvey,W.E.(Derbyshire,N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Henderson, Arthur (Durham)
Henderson,J.M.(Aberdeen,W.)
Henry, Charles S.
Higham, John Sharp
Hope,W.Bateman(Somerset,N.
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Isaacs, Rufus Daniel
Jardine, Sir J.
Johnson, John (Gateshead)
Jones,SirD.Brynmor(Swansea)
Jones, Leif (Appleby)
Jones,William (Carnarvonshire
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lambert, George

Sir F. Banbury.

Lamont, Norman
Lardner, James Carrige Rushe
Lea,HughCecil(St.Pancras, E.)
Leese,SirJosephF.(Accrington
Lehmann, R. C.
Lever,A.Levy(Essex,Harwich)
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lupton, Arnold
Lyell, Charles Henry
Lynch, H. B.
Macdonald, J. R. (Leicester)
Macdonald,J.M.(FalkirkB'ghs)
Mackarness, Frederic C.
Macnamara, Dr. Thomas J.
MacVeagh,Jeremiah (Down,S.)
M'Callum, John M.
M'Kenna, Rt. Hon. Reginald
M'Killop, W.
M'Micking, Major G.
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks,G.Croydon(Launceston)
Marnham, F. J.
Massie, J.
Masterman, C. F. G.
Micklem, Nathaniel
Molteno, Percy Alport
Montagu, E. S.
Morley, Rt. Hon. John
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Napier, T. B.
Nicholls, George
Nicholson,CharlesN.(Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Donnell, C. J. (Walworth)
O'Kelly,James(Roscommon,N.
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pearce, William (Limehouse)
Pearson,W.H.M.(Suffolk,Eye)
Philipps, Owen C. (Pembroke)
Pollard, Dr.
Price,C. E. (Edinburgh,Central)
Pullar, Sir Robert
Radford, G. H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Rees, J. D.
Rendall, Athelstan
Richards,Thomas (W.Monm'th
Richards,T.F. (Wolverh'mpt'n
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Roberts, John H. (Denbighs.)
Robertson,SirG.Scott(Bradford
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Rogers, F. E. Newman
Rose, Charles Day
Rowlands, J.
Runciman, Walter
Rutherford, V. H. (Brentford)
Samuel,HerbertL.(Cleveland)
Scott,A.H.(Ashton under Lyne
Sears, J. E.
Seely, Colonel
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley,Hn.A.Lyulph(Chesh.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Summerbell, T.
Sutherland, J. E.
Taylor, John W. (Durham)
Thorne, William
Torrance, Sir A. M.
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walton, Joseph (Barnsley)
Ward,John (Stoke upon Trent
Wald,W.Dudley(Southampton
Wardle, George J.
Warner, Thomas Courtenay T.
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, Luke (York, E. R.)
White, Patrick (Meath, North)
Whitley,JohnHenry(Halifax)
Wiles, Thomas
Wills, Arthur Walters
Wilson, J. H. (Middlesbrough)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.
Yoxall, James Henry

Tellers for the Noes—Mr. Whiteley and Mr. J. A. Pease.

Mr. COURTHOPE moved to amend that part of the clause which provides that the Commissioners shall ascertain the extent to which there is a demand, "either actual or prospective," for small holdings by leaving out the words quoted. The House had just decided that the initiation should come from the Commissioners, and they had now to consider the scope of the inquiry which they desired them to carry out. The Bill would read better if the words "either actual or prospective" were omitted. On the Committee the Solicitor-General said that the words were necessary because it was not sufficient that there should simply be a locally expressed demand: they should find out whether there was a want, a desire, or a need. All those things were included in the simple words "a demand for small holdings." Who could say that in the future there would not be a prospective demand for small holdings? They might come down to Sussex or Kent and say, "Before very long there will be a protectionist Government in power, hops will be protected, and everyone will want small holdings." It ought not to be possible for the Commissioners to base their report upon the dim possibilities of the uncertain future. The words "either actual or prospective" were unnecessary, and he thought it would be dangerous to leave them in the clause. He begged to move.

Mr. LANE-FOX (Yorkshire, W.R., Barkston Ash) said that the omission of these words was moved in Committee, but the right hon. Gentleman in charge of the Bill told them there was need for the words, because if once the opportunity was given for considering the prospective demand that demand would soon become an actual demand. But surely the demand for these holdings existed without the insertion of such words as these? Unless a demand was an actual demand it should not be considered at all. No one could possibly tell what the prospective demand was going to be.

A great many people thought that they wanted land, but when it came to a concrete case and they were asked if they were prepared to pay for it their opinion very rapidly changed. He would like to know how the Government thought a prospective demand was going to be gauged. They might get a good season when everybody supposed that agriculture was the best thing in the world, but then might come a bad season when nobody would want to take land. They had a curious illustration of this in the Allotments Act. When that Act was passed everyone wanted allotments. But what had happened now? In a vast number of cases the allotments had gone begging. People had taken them for a year or two and then, finding that the land was not fertile and the allotments did not pay, had given them up. He could give them many instances of this nature. They were very clear cases of the way in which a demand might at one time look very promising and at another time be almost non-existent. If the Commissioners only had to consider the existing demand it would be far more satisfactory than the provisions of the clause. The clause, as it stood, put a duty upon Commissioners to consider prospective demands, and it would almost compel them to create a demand. He differed from hon. Members who said they wished to see a demand created; he did not believe that at present a demand existed in the sense that some Members believed. To create an artificial demand would be a most unfortunate thing, and inflict a great injustice and hardship upon those concerned.

Amendment proposed—

"In page 1, lines 24 and 25. to leave out the words 'either actual or prospective.'"—(*Mr. Courthope.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

*MR. HARCOURT hoped the House would retain these words because they were of a wide and embracing character, and he believed they would be of great advantage to the Commissioners and villagers concerned. It was desirable that the Commissioners should take a general view of the wishes of the districts to which they went. It was quite true that in Committee he spoke of the prospective demand crystallising into an actual demand. If the hon. Member opposite knew something of chemistry he would know that before a body crystallised it was in solution. He wished to avoid any hard legal definition which might cause difficulty hereafter as to what was and what was not a demand. He wished the Commissioners to take the whole circumstances into consideration. He was sure that the hon. Member for Barkston Ash was a faithful follower of the right hon. Gentleman the Member for the Bordesley Division. The right hon. Gentleman said on the last Amendment that the supply of small holdings and allotments should precede the demand; he therefore went further than the clause as drawn at present. It was of great importance that the Commissioners should inquire whether Mr. Smith and Mr. Brown wanted small holdings, and whether they would take them if they could get them.

MR. CHAPLIN said this matter had been discussed before, but they had never been able to get a definition of what was meant by a prospective demand. The right hon. Gentleman liked the words "either prospective or actual demand" because they were of a wide and embracing character. What was a prospective demand and how was it to be ascertained? He thought the Government were proposing to put a difficult duty on the Commissioners.

*MR. LEIF JONES said he would give the right hon. Gentleman a definition of a prospective demand. He would suggest that a prospective demand was not very different from a present need. Barefooted children constituted, he thought, a prospective demand for boots. [AN HON. MEMBER: They have a present demand.] That depended on whether there were boots to be bought, and means to buy them with. A good healthy thirst would in the eyes of some hon. Members indicate a prospective demand for beer. All manufacturers set themselves to supply a prospective and not an actual demand. That was precisely what the Commissioners would do under this Bill. They would consider all the circumstances of the case, and they would not establish a scheme until they saw that there was a prospect of an actual demand for small holdings.

MR. AUSTEN CHAMBERLAIN asked whether the Solicitor-General adopted the definition of a prospective demand which the hon. Member had given. He would have thought that each of the cases instanced by the hon. Member represented a present need. When the Commissioners visited a district they would say: "This is a desirable spot. The land hereabout is suited for small holdings and we do not doubt that applicants for small holdings can be found in the district or imported from elsewhere. We shall establish fifty or sixty small holdings to meet the prospective demand which we think will arise." Did the "prospective demand" cover such speculative possibilities? If so, it was very wide, and he would like the Solicitor-General to give on his legal authority a definition of what a "prospective demand" in law was.

SIR W. ROBSON said there was not very much law in the phrase at all. The word "demand" without the qualifying words "actual or prospective" would be very vague, and it would be susceptible of an extremely narrow construction. It might perfectly well be that the Commissioners without the directions contained in the clause might take into account only such demand as had explicitly expressed itself. They might say that there must be certain specified persons making a perfectly explicit demand for small holdings, and that was the only kind of demand which they could take into account. With the words "actual and prospective" in the clause the Commissioners would not merely take into account the demand, which might be, if he might so say, lying in wait, but also the fact that when once the supply was indicated a great many persons who had not expressed a demand would begin to make a demand. They would take that into account in determining their scheme. There might, no doubt, be a demand in several counties, but there was nothing to prevent them making inquiry in different villages round about. The Commissioners might see that there was very little local demand in one place, but that there was a demand elsewhere in the county. For instance, there might be a demand in the neighbourhood of industrial centres on the part of townsmen for small holdings and allotments, and the Commissioners would consider it part of their duty to inquire into that demand, and that demand ought to be reported to the Board for consideration.

*MR. GEORGE FABER said that the reasons which the right hon. Gentleman in charge of the measure had given for adhering to the words of the Bill were, amongst others, that they were wide and embracing, and that he objected to give a legal definition of them. The right hon. Gentlemen had on a previous Amendment pathetically besseched him not to take him across the border; and he almost trembled in venturing once again to allude to the Scottish Small Holdings Bill. He would refer the right hon. Gentleman to Clause 7, Subsection 3 of that Bill. Scotsmen were a canny race and understood how to deal with facts. The words of that subsection were: "If the Commission is satisfied that there is a demand for small holdings"—that the demand existed. There was nothing about "a prospective demand." The Minister in charge of this Bill evidently knew nothing about that clause in the Scottish Bill. The Minister in charge of the Scottish Bill had no desire whatever that there should be any question of a "prospective demand." Why should the principle adopted in the two Bills be different? They had been discussing the meaning of the words "prospective demand." The hon. Member for the Appleby Division had put it in a most interesting way when he said that when children were barefooted there was a prospective demand for boots. He himself would put it that there was an actual demand for boots. He would say that where a young man and a young woman got married there would be a prospective demand for boots. [Cries of "Oh, oh.]" He would not pursue that illustration further. The next illustration used by the hon. Gentleman was that where any one wanted a glass of beer—

*MR. LEIF JONES said that he put it that some hon. Gentleman might regard thirst as a prospective demand for beer; he should regard it as a demand for water.

MR. GEORGE FABER said that he knew the hon. Gentleman himself was enamoured of water; but he must say that if a man was thirsty there was an actual not a prospective demand for either beer or water. Surely these Commissioners ought to deal with actualities: they should go about the country and ascertain whether there was a demand and deal with facts. Otherwise the authorities would involve themselves in speculation and perhaps in danger. He would take another illustration. The Chancellor of the Exchequer a month ago talked about the value of Consols, which were then standing at 84½, and said that they had touched bottom and that they would go up. That was a prospective rise, but to-day so far from finding that Consols had gone up they were now quoted at 81¼. Surely, if the Chancellor of the Exchequer was liable to err, the Commissioners might be liable to err if they came to the conclusion that there was a prospective demand for small holdings. The Commissioners would make a Report to the Board that there was a prospective demand for small holdings, and schemes would be directed to be made. The local authority might entirely disagree with the Commissioners and with the Board and say that there was no such demand, but the local authority, according to the machinery of the Bill, would be obliged to go on. An order would be made for the acquisition of land, tenants would be given notice to quit their holdings and then suddenly the Board would turn round, after all this expense had been incurred, and say that a mistake had been made, and there was no actual but only a prospective demand for small holdings. He was not putting an exaggerated case. It would involve the local authorities in a jumble and a mess and perhaps in heavy loss. In the name of common sense they should content themselves with dealing with facts. Let the Commissioners deal with facts and say yes or no, whether there was an actual demand, and not dip into the future. He venture to impress on the right hon. Gentleman in charge of the measure that he should accommodate this section to the section in the Scottish Bill and strike out the word "prospective."

MR. STANLEY WILSON (Yorkshire, E. R., Holderness) thought the right hon. Gentleman had given no answer at all to the arguments in favour of the Amendment, and even after the speech of the hon. and learned Solicitor-General the Government had not made out the slightest reason for the retention of these words. The hon. and learned Gentleman told the House that "prospective" was a very vague term. [MINISTERIAL cries of "No."] He certainly thought that the hon. and learned Gentleman said so. He asked the right hon. Gentleman to reconsider his verdict. If he declined to do so, why did he refuse the last Amendment? He defied anyone to know whether there was likely to be a "prospective demand" unless a local inquiry were held.

COLONEL KENYON-SLANEY said that as to "prospective demand" there might be a general idea in a certain neighbourhood that a railway was likely to be run through the district, and based on that possibility a certain number of applications might be made for small holdings. But would the Commissioners be entitled to report that there was a genuine prospective demand for small holdings? Or supposing a new market was opened up in the neighbourhood of a port or some large local development took place which would create in the future a demand for land for small holdings, would that be a prospective demand which the county council ought to provide for? Or if there was an idea in a district that a large measure of tariff reform was likely to come into existence, he could understand that there might be a large demand for allotments. Would the Commissioners be entitled to say that based on such a possibility, if not the certainty in the future, small holdings should be created? He thought that the demand for small holdings ought to be based on existing facts, and that they should not go into the realms of the future. He therefore thought there was a good deal to be said for the Amendment.

MR. VIVIAN (Birkenhead) said the Tariff Commission existed, as he understood, to create a supply of labour. The point of this Bill was to create a supply of land for small holdings. He wondered the hon. Gentleman should object to provide for a prospective demand for land for small holdings when they asked for tariff reform to create a prospective demand for labour.

MR. E. GARDNER (Berkshire, Wokingham) said it would be a cruel thing to keep this power of taking land hanging over the heads of people who were at present cultivating it. These people should know exactly how they stand.

Question put.

The House divided—Ayes, 216; Noes, 63. (Division List No. 403.)

AYES.

Abraham, William (Cork, N.E.)
Acland, Francis Dyke
Adkins, W. Ryland D.
Ainsworth, John Stirling
Alden, Percy
Ashton, Thomas Gair
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn, W. (T'w'r Hamlets, S. Geo.
Bertram, Julius
Bethell, Sir J. H. (Essex, Romf'rd
Black, Arthur W.
Bowerman, C. W.
Bramsdon, T. A.
Branch, James
Burns, Rt. Hon. John
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Cleland, J. W.
Clough, William
Clynes, J. R.
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Corbett, C. H. (Sussex, E. Grinst'd
Cox, Harold
Craig, Herbert J. (Tynemouth)
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Dickinson, W. H. (St. Pancras, N.
Dickson-Poynder, Sir John P.
Dilke, Rt. Hon. Sir Charles
Duckworth, James
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Findlay, Alexander
Fowler, Rt. Hon. Sir Henry
Fuller, John Michael F.
Fullerton, Hugh
Gladstone, Rt. Hn. Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r.)
Harmsworth, R. L. (Caithn'ss-sh.
Harvey, W. E. (Derbyshire, N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holden, E. Hopkinson
Holland, Sir William Henry
Hope, W. Bateman (Somerset, N.
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Isaacs, Rufus Daniel
Jardine, Sir J.
Johnson, John (Gateshead)
Jones, Sir D. Brynmor (Swansea)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Lea, Hugh Cecil (St. Pancras, E.
Leese, Sir Joseph F. (Accrington)
Lehmann, R. C.
Lever, A Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lupton, Arnold
Lyell, Charles Henry
Lynch, H. B.
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs
Mackarness, Frederick C.
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah (Down, S.
M‘Callum, John M.
M‘Kenna, Rt. Hon. Reginald
M‘Killop, W.
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G Croydon (Launceston)
Marnham, F. J.
Massie, J.
Masterman, C. F. G.
Montagu, E. S.
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Napier, T. B.
Nicholls, George
Nicholson, Charles N. (Doncaster
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Donnel, C. J. (Walworth)
O'Kelly, James (Roscommon, N.
Paulton, James Mellor
Pearce, Robert (Staffs. (Leek)
Pearce, William (Limehouse)
Pearson, W. H. M. (Suffolk, Eye)
Philipps, Owen C. (Pembroke)
Pollard, Dr.
Price, C. E. (Edinburgh, Central)
Radford, G. H.
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Rees, J. D.
Rendall, Athelstan
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mpt'n
Ridsdale, E. A.
Roberts Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Roberts, John H. (Denbighs.)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Rogers, F. E. Newman
Rowlands, J.
Runciman, Walter
Rutherford, V. H. (Brentford)
Samuel, Herbert L. (Cleveland)
Scott, A. H. (Ashton under Lyne
Sears, J. E.
Seely, Colonel
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie

Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley,Hn.A.Lyluph(Chesh.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Summerbell, T.
Sutherland, J. E.
Taylor, John W. (Durham)
Thorne, William
Torrance, Sir A. M.
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walters, John Tudor
Walton, Joseph (Barnsley)
Ward,John (Stoke upon Trent)
Ward,W.Dudley(Southampton
Wardle, George J.
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, George (Norfolk)
White, Luke (York, E. R.)
White, Patrick (Meath, North)
Whitley,John Henry (Halifax)
Wiles, Thomas
Wilkie, Alexander
Wills, Arthur Walters
Wilson, J. H. (Middlesbrough)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.
Yoxall, James Henry

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood,RtHn.SirAlex.F.
Anson, Sir William Reynell
Ashley, W. W.
Aubrey-Fletcher,Rt.Hon.SirH.
Balcarres, Lord
Balfour,RtHn.A.J.(CityLond.)
Banbury,SirFrederickGeorge
Baring,Capt.Hn. G(Winchester
Beach,Hn.MichaelHughHicks
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Butcher, Samuel Henry
Carlile, E. Hildred
Castlereagh, Viscount
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil,LordR. (Marylebone, E.)
Chamberlain,RtHn.J.A.(Worc.
Chaplin, Rt. Hon. Henry
Cochrane, Hon. Thos. H. A. E.
Collings,Rt.Hn. J.(Birmingh'm
Corbett, T. L. (Down, North)
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Gretton, John
Harrison-Broadley, H. B.
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hills, J. W.
Hornby, Sir William Henry
Kenyon-Slaney,Rt.Hon.Col.W.
Keswick, William
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Long,Rt.Hn.Walter(Dublin,S.)
Lonsdale, John Brownlee
Magnus, Sir Philip
Middlemore,JohnThrogmorton
Mildmay, Francis Bingham
Moore, William
Morpeth, Viscount
Nicholson, Wm.G.(Petersfield)
Pease,HerbertPike(Darlington
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson.JohnFrederickPeel
Ronaldshay, Earl of
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Starkey, John R.
Thomson,W.Mitchell-(Lanark)
Turnour, Viscount
Valentia, Viscount
Wilson,A.Stanley(York,E.R.)

TELLERS FOR THE NOES—Mr. Courthope and Mr. Hunt.

Mr. HARCOURT moved an Amendment providing that the Commissioners in ascertaining the demand for small holdings "shall confer with the county councils and" may employ or co-operate with such authorities, associations, and persons as they think best qualified to assist them.

Amendment proposed—

> "In page 2, line 3, after the word 'purpose,' to insert the words 'shall confer with the county councils and.'"—(*Mr. Harcourt.*)

Question proposed, "That those words be their inserted."

MR. AUSTEN CHAMBERLAIN asked whether the expression county councils would include the councils of county boroughs. He would like to allude to the case of a place in his own constituency known as Catshill, where small holdings were being carried out. As soon as the local demand in that district was satisfied there was a demand from people in Birmingham who had been born at Catshill but had come to Birmingham, worked and saved money, and who would like to go back to the land. Which council was intended to work this Bill, and on whose behalf would action be taken? Would the city authority or the county authority take action for the reinstatement of these people on the land, and on which authority would the risk fall? His desire was, and he was sure the House would appreciate it, that these people who came from Catshill should get their small holdings if they were shown to be suitable, and they might through this clause get in them the most excellent class of tenant. Surely if there was any risk or speculation about it their own county councils ought to take the risk and not the county council into whose district they were moving. Would the risk fall on the Birmingham authority in whose district there was this prospective demand or the County Council of Worcester on whom the liability would fall?

MR. HARCOURT said that for all the purposes of the Act the council of a county borough was a county council. It was necessary that a city like Birmingham should be able to provide small holdings for its own people beyond its own area, and for that purpose there was a clause put into the Bill permitting them to acquire land outside their own boundaries. Of course the liability would be its own. The words he had put in were to allow the Commissioners to work freely with all and every county council.

Amendment agreed to.

*VISCOUNT MORPETH (Birmingham, S.) moved to leave out the words "employ or" in that part of the clause which provides that, in order to ascertain the demand for small holdings, the Commissioners may employ or co-operate with authorities, associations, and persons. He said that these words might have a most undesirable result if left in the Bill. He and those who thought with him had no objection to the Commissioners co-operating with county councils or with associations, but that they should have a right to employ them left the door open to all sorts of abuses. It was conceivable that there might have been an election in the district fought upon the question of small holdings, and that the party which advocated small holdings had been beaten. The Commissioners might come into that district and employ those in favour of small holdings over the heads of the electorate who in the main were against them. Such a possibility clearly showed that the Government had no regard for the wishes of the electorate and did not trust them in the least. The right hon. Gentleman in charge of the Bill had found fault with the right hon. Member for the Bordesley Division because he suggested there might be pickings in the Bill, but in this clause there certainly might arise scandals of that sort, and it was the duty of the House so to legislate as to prevent any such scandal taking place. While the county councils, the representatives of the people, would not be empowered to pay their sub-committees, persons who were not representative of the locality might be paid by the Commissioners. How would the appointments be made? The Commissioners must depend on local advice—probably that of the local Member of Parliament. It was already claimed that Members of Parliament should have the right to recommend for the commission of the peace persons who had assisted them in their contests, but here men were to receive money payments. There was the gravest danger that the persons appointed would not be those whom the locality would have selected.

MR. COURTHOPE seconded the Amendment. He thought payment and voluntary co-operation should not be mixed up in this way. If there was a power to employ and pay he was perfectly certain that situations would arise in which persons who otherwise had voluntarily assisted would naturally, when they saw they could get something out of it, stand out and refuse to do anything unless they were paid. It would be better that this clause should be confined to voluntary co-operation with those who were able and willing to give assistance.

Amendment proposed—

"In page 2, lines 3 and 4, to leave out the word 'employ or.'"—(*Viscount Morpeth.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

SIR W. ROBSON thought the noble Lord had taken a very highly coloured view of what was possible under the Bill. The Amendment, if accepted, would have the effect of robbing the Commissioners of any power to employ a person who they thought would be able to assist them. Nothing was further from the minds of those who drafted the clause than that it should carry such extraordinary powers as the noble Lord thought it would. He could not accept the Amendment, as he did not think it would be reasonable to deprive the Commissioners of this power.

MR. AUSTEN CHAMBERLAIN said the hon. and learned Gentleman had confined himself entirely to the employment of persons and had said nothing as to the employment of associations. The hon. and learned Member was aware that there were associations in existence, for assisting people to small holdings, which were now frankly political. Was it contemplated that it should be possible to employ an association of that kind, that the Government should pay what was practically a subsidy to what had hitherto been a voluntary association acting in harmony with the views of one political party. By employing such an association the Government would be practically making a subscription to the organisation of one Party. The right to employ and pay ought to be confined to persons.

MR. JESSE COLLINGS said the right hon. Gentleman opposite had been rather sarcastic with regard to some remarks which he had made as to the danger comprised in such a section as this. He had no desire to cast any reflection on the Commissioners of the Board of Agriculture, but appointments would be made in many centres if the Bill was to be operative, and the Commissioners of the Board of Agriculture could not know what was going on. The appointments made would not be by the Commissioners directly but by sub-Commissioners who occupied an inferior position to the Commissioners. Therefore he asserted that the appointments would be political, and though the payment would be small the appointments would follow the political complexion of the Members of Parliament or the organisation. They were dealing with public money. It was not like the case in which a committee of the county council was appointed, because that committee was not paid. The committee, in this instance, was indirectly appointed from London. Very few knew anything about it, and consequently somebody in a district might be appointed to a position for which he was perhaps not qualified, at any rate in the eyes of those who were politically opposed to the class to which he belonged. The words might not only give rise to a vast expenditure of public money, but open up unnecessary expenditure. He hoped that hon. Gentlemen opposite would try to justify such a feature as this. They had been silent, nearly every one of them, about the objections which had been offered, but their silence was the best admission of the justice of those objections. The guillotine stifled discussion in that House and in the Committee upstairs, but they could not stifle discussion in the country. All these things would have to come out. But he urged, in the case of these expenses, that the greater part of them would fall on the rent which the poor agricultural labourer had to pay; therefore the less they could make those expenses the better, and there was no necessity whatever for them. All his hon. friends opposite had been voting to pile up the burden of expenses on the backs of the men who would have to pay it in the form of rent. The proposal was another illustrasion of what they had been engaged in doing for some time past—piling up a burden for the poor agricultural labourer to bear.

SIR W. ROBSON said the expenses of the Agricultural Commissioners would be paid out of the Small Holdings Fund.

MR. JESSE COLLINGS said that came on the taxes; they could not dispute it. His hon. friend was perfectly right—it was a perfectly unnecessary expense. They were opening the door to an immense amount of expenditure and political demoralisation, and therefore he hoped that the Government would consent to this Amendment.

*MR. WINFREY said the right hon. Gentleman had read into the words something which they really did not imply. To his mind it would be a great pity if, in trying to focus the demand for small holdings, and to secure suitable land, the Commissioners were not permitted to employ persons to assist them. It had fallen to his own lot the other day to have personal experience in this matter. He had to look over a farm with a view to letting it out for small holdings. It struck him that the land was very suitable for fruit culture, but he dared not on his own initiative declare it to be so. Therefore he called to his assistance a practical man, who came a distance of fifty miles to examine the subsoil. He was advised by him that the soil was suitable for strawberry and raspberry growing. He paid the man a guinea for his day and his expenses. It would be a man of that class, he imagined, whom the Commissioners would employ from time to time to assist them in getting hold not only of the right holdings but also the right class of men to cultivate them. He thought it would be a great pity if the words "may employ" were left out of the

Bill, and he hoped the noble Lord would not press his Amendment.

MR. CHAPLIN said he did not think the hon. Member who had just sat down had at all met the objection raised to these words. The argument might have been more appropriate if it had been a question whether the land was suitable for small holdings or not. But the object of this clause was something totally different. What in this case had to be inquired into was the demand there would be for small holdings in any district, and how far that demand could be reasonably satisfied under the existing Acts. He did not see that it was necessary for that purpose to employ associations, for instance. There were many associations for the promotion of small holdings existing in the country, and he knew that they entered into their work with great zeal and earnestness, and with the idea, in which they always believed, that it was probably the object of the greatest importance in the present day. He did not think that by employing associations of that kind they were sure to get very reliable information as to the demand that existed in different parts of the country. He thought that it was hardly within the limits of human nature, occupied as they were, that they should not take a rather highly coloured view, he would not put it higher than that of the situation, and with their ardent aspirations for the promotion of the system, he thought it was quite possible they might be likely to give an exceedingly misleading description to the Commissioners. For that reason he thought it desirable to remove the words "may employ" from the clause, and in any case he would move with regard to the word "associations."

MR LAMBTON asked whether the this clause the Commissioners might employ county authorities, or the education authority, or the finance committee, or highways board, or any other committee of the county council. He maintained that as the clause stood they might employ any county authority.

SIR W. ROBSON said the hon. Member had put a practical question as to the assistance to be given to the Commissioners. Under the very next sub-section it was the duty of the local authorities, county councils, committees, and so forth, to give the Commissioners all the assistance and information in their power.

VISCOUNT HELMSLEY (Yorkshire, N.R., Thirsk) said that, having heard the answer of the hon. and learned Gentleman, it seemed to him that the question arose why it was necessary to insert the word "authority." If the authorities had to co-operate with the Commissioners, why put it in the Bill? It had no meaning, and it ought to be eliminated. He did not think that anyone on the Government side of the House had in any way answered the argument of the noble Lord who moved the Amendment, or had attempted to show that great abuse and evils would not flow from the use of the power to obtain help. It was not only a waste of money, but it seemed to him that it opened the door very widely to a great amount of jobbery and of fictitious work to keep the movement alive merely for the purpose of giving jobs to these men. All Members of that House knew very well the sort of society which existed merely for the purpose of paying the secretary's salary, and he was afraid that posts might be created, if this power were given, the only advantage of which would accrue to the persons who were paid salaries. The Solicitor-General seemed to imagine that if these words were deleted from the clause it would not be within the competency of the Commissioners to employ anybody in any capacity, not even a cabman or anyone to run errands for them. He was sure that was not the fact, and that it was not necessary to provide by Act of Parliament for the ordinary spheres of employment which such a body as the Commissioners would have to use. Having regard to the fact that this provision might cause great abuse in the rural districts, and also weaken the value of the information, which would be much better if voluntarily given, he sincerely supported the Amendment.

MR. GIBBS (Bristol, W.) said he heartily associated himself with his hon. friend who had moved the Amendment. He thought that it was most dangerous to offer this employment, and, that it would result in numerous people being sent about. Surely if there was any great desire in the country for small holdings people would not hesitate to come forward and make their applications.

*Mr. VERNEY (Buckinghamshire, N.) said that no one would suggest that a Government Department should waste money in employing anybody who would not be a substantial advantage. If it was suggested that the Commissioners were going to roam about the country employing anybody they liked on all sorts of occasions, and associations besides, that was something which it had not entered into the brain of the wildest opponent of this Bill to imagine. What was meant was that the employment should have reference to one thing only, and that was the inquiry as to what demand there was for small holdings. Surely when these gentlemen were to come under the Board of Agriculture, that Department might be trusted as to their employment. He could quite imagine a small association of a very humble kind, the secretary of which would be a person of great importance in prosecuting such an inquiry as was contemplated, and he could not understand what harm would arise when it was realised that such employment would be "under the direction of the Board of Agriculture."

Sir W. ROBSON said it would be undesirable to debar the Commissioners from employing people who had been formed into an association for the purpose of assisting them in this inquiry. It would indicate distrust of the Commissioners, which should be avoided.

*Mr. CLAVELL SALTER said he had a strong feeling on the subject of this Amendment, and he did not need any question of authorities or associations to justify him in supporting this proposal. They all desired that this Bill should work with as little difficulty and friction and as much success as possible. If they wished the Bill to be a failure and a source of bitterness and strife, they could not do better than retain the words which it was proposed to omit. Quite apart from these words the practical working of the measure would be attended with much heart-burning, jealousy, and personal difficulties of all kinds in the country districts, not only on the part of those from whom the land was taken, but also of those amongst whom it was going to be divided. He referred to such questions as how was the land to be divided? Who was to have the largest piece? Who was to have the best piece, or the best equipped piece? Personal feelings of bitterness would be engendered, and political questions would arise. All that was inevitable; but if they desired to multiply those evils tenfold they only needed to add to them the possibility of making personal profit by the transactions. A small minority would be able to override the desires of their neighbours, and insist upon small holdings at the expense of their neighbours. If they wanted to make this a perpetual fount of bitterness, they could do so by making it possible for a person not only to override his neighbours, but also to put money in his own pocket at the same time.

Question put.

The House divided:—Ayes, 209; Noes, 57. (Division List No. 404.)

AYES.

Acland, Francis Dyke
Adkins, W. Ryland D.
Alden, Percy
Asquith, Rt.Hn. HerbertHenry
Baker, Sir John (Portsmouth)
Baker, JosephA. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barry, Redmond J.(Tyrone, N.
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn, W.(T'w'r Hamlets.S.Geo
Berridge, T. H. D.
Bertram, Julius
Bethell, SirJ.H(Essex.Romf'rd
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Burns, Rt. Hon. John
Carr-Gomm, H. W.
Causton, Rt.HnRichardKnight
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Cleland, J. W.
Clough, William
Clynes, J. R.
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Collins, SirWm.J(S.Pancras, W
Corbett, C.H(Sussex,E.Grinst'd
Cox, Harold
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Dickinson, W.H.(St.Pancras,N.
Dickson-Poynder, Sir John P.
Dilke, Rt. Hon. Sir Charles
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)

Mr. Gibbs.

Edwards, Enoch (Hanley)
Edwards, Sir Francis (Radnor)
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ffrench, Peter
Findlay, Alexander
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gladstone, Rt.HnHerbertJohn
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Haldane, Rt. Hon. Richard B.
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harmsworth, R.L(Caithn'ss-sh.
Harvey, W.E.(Derbyshire, N.E
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Henderson, Arthur (Durham)
Henderson, J.M.(Aberdeen, W
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holden, E. Hopkinson
Holland, Sir William Henry
Hope, W.Bateman(Somerset,N
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Isaacs, Rufus Daniel
Johnson, John (Gateshead)
Jones, SirD.Brynmor(Swansea
Jones, Leif (Appleby)
Jones, William(Carnarvonshire
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamb, Edmund G.(Leominster
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Lea, HughCecil(St.Pancras, E.

Leese, SirJosephF.(Accrington)
Lever, A.Levy (Essex,Harwich
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lupton, Arnold
Lyell, Charles Henry
Lynch, H. B.
Macdonald, J. R. (Leicester)
Macdonald, J.M(Falkirk B'ghs)
Mackarness, Frederic C.
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah (Down, S.
M'Callum, John M.
M'Kenna, Rt. Hon. Reginald
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G.Croydon(Launceston)
Marnham, F. J.
Massie, J.
Masterman, C. F. G.
Micklem, Nathaniel
Molteno, Percy Alport
Montagu, E. S.
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Napier, T. B.
Nicholls, George
Nicholson, Charles N(Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
O'Donnell, C. J. (Walworth)
O'Kelly, James(Roscommon,N.
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pearce, William (Limehouse)
Pearson, W.H.M. (Suffolk, Eye)
Pollard, Dr.
Price, C. E. (Edinb'gh,Central)
Radford, G. H.
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Rees, J. D.
Rendall, Athelstan
Richards, Thomas(W.Monm'th
Richards, T.F.(Wolverh'mpt'n
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Roberts, John H. (Denbighs.)

Robertson,Sir G.Scott(Bradf'rd
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Rogers, F. E. Newman
Rowlands, J.
Runciman, Walter
Rutherford, V. H. (Brentford)
Samuel, Herbert L. (Cleveland)
Scott, A.H.(Ashton-und.-Lyne
Sears, J. E.
Seely, Colonel
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt, Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley, Hn.A.Lyulph(Chesh.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Summerbell, T.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Thorne, William
Torrance, Sir A. M.
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walters, John Tudor
Walton, Joseph (Barnsley)
Ward, John (Stoke-upon-Trent
Ward, W. Dudley(South'mpton
Wardle, George J.
Waterlow, D. S.
Weir, James Galloway
White, George (Norfolk)
White, Luke (York, E.R.)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilkie, Alexander
Wills, Arthur Walters
Wilson, J. H. (Middlesbrough)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.

TELLERS FOR THE AYES.—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood, RtHn.SirAlex.F.
Anson, Sir William Reynell
Ashley, W. W.
Balfour, RtHn.A.J.(CityLond.)
Beach, Hn.Michael HughHicks
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Carlile, E. Hildred
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone, E.)
Chamberlain,RtHn.J.A.(Worc.
Chaplin, Rt. Hon. Henry
Cochrane, Hon. Thos. H. A. E.

Collings, Rt.Hn.J.(Birmingh'm
Corbett, T. L. (Down, North)
Courthope, G. Loyd
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Harrison-Broadley, H. B.
Helmsley, Viscount

Hill, Sir Clement (Shrewsbury)
Hills, J. W.
Hornby, Sir William Henry
Hunt, Rowland
Keswick, William
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Lonsdale, John Brownlee
Magnus, Sir Philip
Middlemore, JohnThrogmorton
Mildmay, Francis Bingham
Moore, William
Nicholson, Wm. G. (Petersfield
Pease, HerbertPike(Darlington

Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson, John Frederick Peel
Ronaldshay, Earl of
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Starkey, John R.
Talbot, Lord E. (Chichester)
Thomson, W. Mitchell-(Lanark)
Turnour, Viscount
Valentia, Viscount
Wedgwood, Josiah C.
Wilson, A. Stanley (York, E. R.)

TELLERS FOR THE NOES.—Viscount Morpeth and Mr. George D. Faber.

MR. CHAPLIN moved to omit "associations" from the bodies whom the Commissioners may employ or co-operate with in ascertaining the demand for small holdings and the extent to which it can be satisfied.

Amendment proposed—

"In page 2, line 4, to leave out the word 'associations.'"—(*Mr. Chaplin.*)

Question proposed, "That the word 'associations' stand part of the Bill."

SIR W. ROBSON said he had no doubt that what was contemplated by the draftsmen was that it should be in the power of the Commissioners to co-operate with those associations, and the effect of the Amendment would be to deprive them of that power, which was undesirable.

MR. AUSTEN CHAMBERLAIN hoped the Government would reconsider this point. He did not know what associations the Government had in their minds, but there were a number of associations which were distinctly political organisations, and it should not be open to the Commissioners to employ these associations or to the Government to subsidise associations of a political character. In connection with the work of placing the names of qualified voters on the register, associations and individuals were allowed to co-operate, and to spend money if they liked, but public authorities were not allowed to pay to political associations the expenses they incurred in so doing. There was no more reason why they should allow a Government Department to subsidise a political association in this case than in the other. It might be answered that a county association was not a political association. That might be so, but what he did know was that there were allotments associations which were distinctly political organisations. His right hon. friend the Member for the Bordesley Division was the founder of an association, and when he had the misfortune to differ from the Liberal Party on the subject of Home Rule he was turned out of the chairmanship of the association which he had formed. The right hon. Gentleman formed another association, and he himself was the first hon. secretary of it. Both of these associations were of a political character. Would it not be a scandal that either should be subsidised by the Government? These associations had done good work hitherto with the voluntary subscriptions they had been able to get from people interested. Let them continue to do that work, but subscriptions of public money should not be given to political associations under cover that it was payment for the work they did in the spread of small holdings. He thought words could be introduced to make it possible for the Commissioners to co-operate with the associations, while not leaving it in their power to pay them.

MR. MADDISON (Burnley) said the right hon. Gentleman had assumed that all these associations were political. [AN HON. MEMBER: "Not at all."] He had admitted that the two allotments associations to which he referred were political. He reminded the right hon. Gentleman of a large organisation which existed merely for the purpose of promoting agriculture. Upon that organisation there were men of all shades of political opinion.

MR. AUSTEN CHAMBERLAIN said that was true, and the co-operation of that body could be secured without any payment. He did not wish to prevent the Government or the Commissioners co-operating with any of these bodies. What he said was that it would be a scandal that they should pay political associations.

MR. MADDISON said there was one large body, and there were probably more, which would co-operate helpfully when the Bill came into operation, and which could not by any stretch of imagination be called political. He did not wish to make any political capital out of this. He was very glad that the Solicitor-General had not consented to take out the word "associations." There were undoubtedly associations connected with agriculture which could not by any stretch of imagination be called political.

*SIR SAMUEL SCOTT (Marylebone, W.) suggested that in order to carry out what they all desired, namely, that there should be no opportunity for giving a subsidy to any political association, the word "co-operate" should alone be used. He deeply regretted that the right hon. Gentleman should have left it open to the Commissioners to pay money to an association.

MR. ARTHUR HENDERSON (Durham, Barnard Castle) said he was strongly inclined to support the view expressed by the hon. Member for Burnley. In recent years tenant farmers' associations had been formed, and they had a lot of valuable information concerning the position of agriculture in their districts. He failed to see why the Commissioners should not be in a position, not only to invite all the information these associations could give, but to call them to any inquiry which might be held. These were not rich associations like trade unions; they were dependent on the contributions of their own few members, and occasionally, he was sorry to say, on the patronage of some of the agents of the landed interest in their particular districts. But still they were trying to do good work for agriculture. He thought the Commissioners should have power to pay the necessary train fares in order to secure the attendance of the representatives of the associations at any inquiries held for the purpose of getting information. He would say that in some cases not only the train fares should be allowed, but also a day's pay. He thought if the word "employ" were struck out, and only the word "co-operate" left, there might be an opportunity to quibble over the payment of such expenses as he had referred to.

MR. COURTHOPE said he would like to re-echo what the hon. Member had said about tenant farmers' associations. The associations in their corporate capacity did not want to be paid. They would gladly co-operate with the representatives of the county councils. He appealed to the Government to introduce some change into the clause in another place, so that there might be no confusion between co-operating with and employing an association. There were many urgent reasons why confusion should not be introduced between co-operating with and employing an association.

MR. EVERETT (Suffolk, Woodbridge) said that the Amendment related not to the employment, but to the associations themselves. In his opinion it was most vital for the successful working of the Act that every encouragement should be given to people who were enthusiastic believers in small holdings, and who thought that a new heaven was to be brought down to a new earth by getting the land into the hands of small men. There were economic difficulties in the way of that, and every moral assistance and enthusiasm would be required behind the Act to make it largely and successfully operative. In his opinion those people in every county who believed in the gospel of small holdings should be encouraged to associate themselves in the work of organisation, and in teaching the people the right lines on which to proceed. On these grounds he thought they must retain the word "associations" in the Bill.

*MR. GEORGE FABER said he had not the slightest objection to associations, but to their employment for money. The reason why he objected to the Commissioners employing these associations for money was that the Commissioners were not local men, but would move everywhere, north, south, east and west, to ascertain what was the demand for small holdings. In the course of their peregrinations they might employ an association to co-operate with them. But there were many different kinds of associations—political and agricultural—and there was no harm in any of them in themselves; but the point was, was it desirable by this Bill to enable the Commissioners to employ them for money? The Commissioners would be strangers to the locality, and they might in ignorance employ for money an association having a distinct political flavour about it. He wanted the Bill to work; but human beings were human beings, and it was much better to stereotype in an Act of Parliament what might or might not be done. The Commissioners would be as liable to err as anyone else; and if they employed to co-operate with them associations which had a political flavour about them, then "the fat would be in the fire." People would be sure to say that the Commissioners had come down to employ for money associations of such and such a political Party. That was not desirable in the interests of anyone when they wanted the Bill to work peaceably. He thought that "associations" might with propriety have remained in the clause, if the previous words "may employ" had been struck out, but this had not been done.

MR. LUPTON (Lincolnshire, Sleaford) said he rather sympathised with the hon. Member, and was gratified that he objected to employ associations for money. He hoped the hon. Member would pursue the same idea, and let them have the land, of which there was plenty to spare, without the money.

MR. CHAPLIN pointed out that there was another clause in the Bill which dealt directly with the promotion by county councils of societies whose object was to further the system of small holdings. He thought their object would be equally gained if "associations" were omitted from the present clause. Clause 39 set forth that "a county council may promote the formation of and assist co-operative societies and credit banks, or societies having for their object, or one of their objects, the furtherance of the provision and successful cultivation of small holdings or allotments." He thought that when they were considering the general question as to the extent to which there was a legitimate demand for small holdings, if they were to ask for information from associations for the promotion of small holdings, that would not unnaturally lead to very highly coloured and misleading representations being made to the Commissioners.

Question put.

The House divided:—Ayes, 195; Noes, 44. (Division List No. 405.)

AYES.

Acland, Francis Dyke
Adkins, W. Ryland D.
Alden, Percy
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Barlow, Sir John E. (Somerset)
Barry, Redmond J. (Tyrone, N.)
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn, W. (Tw'r Hamlets, S.Geo.
Berridge, T. H. D.
Bertram, Julius
Bethell, Sir J. H. (Essex, R'mf'd
Bethell, T. R. (Essex, Maldon)
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Burns, Rt. Hon. John
Byles, William Pollard
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W
Corbett, C.H. (Sussex, E. Grn'st'd
Cox, Harold
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.
Dickinson, W.H. (St. Pancras, N.
Dickson-Poynder, Sir John P.
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Edwards, Sir Francis (Radnor)
Essex, R. W.
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Findlay, Alexander
Fuller, John Michael F.
Fullerton, Hugh
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Greenwood, G. (Peterborough)
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harmsworth, R.L. (Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey, W.E. (Derbyshire, N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hazleton, Richard
Hedges, A. Paget
Henderson, Arthur (Durham)
Henderson, J.M. (Aberdeen, W.
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holden, E. Hopkinson
Holland, Sir William Henry
Hope, W. Bateman (Somerset, N
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Johnson, John (Gateshead)
Jones, Sir D. Brynmor (Swansea
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Kelley, George D.
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lamont, Norman
Lardner, James Carrige Rushe
Lea, Hugh Cecil (St. Pancras, E.
Leese, Sir Joseph F. (Accringt'n
Lever, A. Levy (Essex, Harwich
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lupton, Arnold
Lyell, Charles Henry
Lynch, H. B.
Macdonald, J. R. (Leicester)
Macdonald, J.M. (Falkirk B'ghs
MacVeagh, Jeremiah (Down, S.
M'Callum, John M.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.

Masterman, C. F. G.
Micklem, Nathaniel
Molteno, Percy Alport
Montagu, E. S.
Montgomery, H. G.
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Moratio
Napier, T. B.
Nicholls, George
Nicholson, Charles N. (Doncast'r
Norton, Capt. Cecil William
O'Donnell, C. J. (Walworth)
O'Kelly, James (Roscommon, N
Pearce, Robert (Staffs. Leek)
Pearce, William (Limehouse)
Pearson, W. H. M. (Suffolk, Eye)
Pollard, Dr.
Price, C. E. (Edinburgh, Central
Radford, G. H.
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Rees, J. D.
Rendall, Athelstan
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mp'n
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Roberts, John H. (Denbighs.)
Robertson, Sir G. Scott (Bradf'd
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Rogers, F. E. Newman
Rowlands, J.
Rutherford, V. H. (Brentford)
Samuel, Herbert L. (Cleveland)
Scott, A. H. (Ashton under Lyne
Sears, J. E.
Seely, Colonel
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N. W.)
Stanley, Hn. A. Lyulph (Chesh.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Summerbell, T.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Thorne, William
Torrance, Sir A. M.
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walters, John Tudor
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent)
Ward, W. Dudley (South'mpton
Wardle, George J.
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, George (Norfolk)
White, Luke (York, E.R.)
White, Patrick (Meath, North)
Whiteley, John Henry (Halifax)
Wiles, Thomas
Wilkie, Alexander
Wills, Arthur Walters
Wilson, J. H. (Middlesbrough)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Ashley, W. W.
Beach, Hn. Michael Hugh Hicks
Beckett, Hon. Gervase
Boyle, Sir Edward
Bridgman, W. Clive
Carlile, E. Hildred
Cave, George
Chamberlain, Rt. Hn. J. A. (Wor.
Chaplin, Rt. Hon. Henry
Cochrane, Hon. Thos. H. A. E.
Collings, Rt. Hn. J. (Birmingham
Corbett, T. L. (Down, North)
Courthope, G. Loyd
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Harrison-Broadley, H. B.
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hornby, Sir William Henry
Hunt, Rowland
Lane-Fox, G. R.
Lyttelton, Rt. Hon. Alfred
Magnus, Sir Philip
Middlemore, John Thogmorton
Morpeth, Viscount
Nicholson, Wm. G. (Petersfield
Pease, Herbert Pike (Darlingt'n
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson, John Frederick Peel
Ronaldshay, Earl of
Salter, Arthur Clavell
Starkey, John R.
Talbot, Lord E. (Chichester)
Thomson, W. Mitchell- (Lanark)
Turnour, Viscount

TELLERS FOR THE NOES.—Sir Alexander Acland-Hood and Viscount Valentia.

MR. LANE-FOX moved to amend Clause 2 by inserting at page 2, line 21, after "urban," the words "or rural." He merely wished to move this as a protest, and for the purpose of contending that rural councils were quite as capable of receiving information and assisting in this work as any urban district council. He knew that it had been the object of hon. Gentlemen opposite to make out that the work of the rural councils had been retrograde and of very small value, and he quite admitted that some of the evidence which came before the Committee which sat last year went to establish that, and that in consequence the recommendation taking away the power from the rural councils was passed. He, however, was one of the Members who differed from that recommendation; it seemed to him that the rural councils were a valuable asset. Later on in the Bill there was a proposal to take away power from the rural councils and transfer it to the urban district councils. He could not discuss that now, from the point of view of order, but they might not reach that provision under the peculiar arrangements of the Government in regard to business, and the debate of it might be shut out by the guillotine. He hoped the right hon. Gentleman would see that it was worth his while to secure the co-operation of all the elected bodies in the country, and he thought he would do far better under the rural district councils than under the urban district councils, especially if he enlisted the sympathies of the farmer class on the first-named authorities.

Mr. BRIDGEMAN seconded the Amendment, which, he said, could not do any harm and would probably do a great deal of good. He objected to this invidious distinction being drawn between the higher and the lower bodies. If the right hon. Gentleman could not accept the Amendment he hoped he would give some good reason for not doing so.

Amendment proposed—

"In page 2, line 21, after the word 'urban,' to insert the words 'or rural.'"—(*Mr. Lane-Fox*).

Question proposed, "That those words be there inserted."

*Mr. HARCOURT said he had attempted to make it quite clear to the House why the rural district councils must be omitted from the Bill. The Commissioners acquired information, and as under the Bill the rural district councils were deprived of their powers it would be useless to send that information to them. The reason why the rural district council had been deprived of its small holdings powers was that it had been unable or unwilling to exercise them to any considerable extent. During the period that rural councils had established small holdings to the extent of 243 acres, the parish councils had provided 15,000 acres. It was therefore desirable that this power should be removed from the rural councils.

Mr. HICKS BEACH thought the Amendment should not be proposed at this particular point, but considered that the right hon. Gentleman was somewhat unfair to the rural district councils. He had quoted some figures, but appeared to forget that the rural district councils had not been provided with the powers of compulsion. Moreover, he had not done full justice to the work which the rural district councils had done either through their clerks or themselves. They had been instrumental in inducing landlords to provide allotments in a large number of cases of which no record was kept. He did not think the right hon. Gentleman, therefore, was entitled to throw any aspersions upon the rural district councils, and he wished to enter a protest against the statements which had been made.

Mr. LANE-FOX said he did not wish to delay the House, but he had raised this point at this stage because they might not be able to discuss it later on. He wished to say, however, that the aspersions which the right hon. Gentleman had passed upon rural district councils were entirely unfounded.

Amendment, by leave, withdrawn.

*Viscount MORPETH moved to substitute for the first subsection of Clause 3 a new subsection providing that when the Board state, or the county council are of opinion, that it is desirable that a scheme shall be made, the county council may prepare one or more draft schemes for the provision of small holdings in their county. The Amendment raised what he thought the right hon. Gentleman would admit was a vital point. The effect of it was to give the county council a freer hand by not requiring them (as the Bill proposed) to have regard to the proposals of the Commissioners in framing schemes, and provide that there should be no power to override the council and set up over them an authority which was non-elective. His contention was that if the right hon. Gentleman adopted the Amendment and gave the county councils real power to obtain small holdings and allotments he would obtain better results than by, in the first instance, trying to force them and then having recourse to a central authority. Speaking on a previous Amendment he had pointed out that there was a great deal of lip service about the local self-government of this country which was not carried out in actual practice. The county council under his proposal would be in the position of having the chief voice in the question of whether or not small holdings were to be set up in their area, whereas as the Bill now stood it was not administered by means of local self-government, the hand which worked the machine being that of the central authority. Anybody who had the slightest acquaintance with local government could detail many instances of the interference which took place with the decisions of the local authorities by the central authorities. There was no point too small for interference on the part of the central authorities, and local government, as now understood, appeared to be giving power to local authorities with one hand and with the other taking it away and handing it over to the central authorities. The right hon. Gentleman proposed in the Bill to give the county councils the power of preparing schemes, but he evidently mistrusted the county councils and thought it desirable to give the chief power to the central authority. If this power had been a concurrent power there might have been something to be said for it. The right hon. Gentleman having ostensibly given the control to the local authority had given power to the Commissioners acting under the Board of Agriculture to override the county councils and upon their own motion to say, "You shall do this, and if you do not we will do it, and possibly at your expense." Owing to the unfortunate position in which the House was placed they were debarred from discussing the financial question and could only refer to it. But if the right hon. Gentleman said in the minutes he proposed to issue that when the Commissioners acting after the default of the county council made a failure, they should pay the whole of the expenses of the experiment, which the ratepayers had already told them would not succeed, that would alleviate the position to some extent. He therefore urged the Minister in charge of the Bill to check any attempt to charge those who warned the central authority that they were making a mistake and whose warning was disregarded. If the whole of the cost of such an experiment was levied on the ratepayers it would give rise to such a spirit of discontent that the Bill would not come into operation in the country districts for many years. To attempt to coerce the authority when their opinion did not square with that of the Government could only lead to disappointment. Such a power was tried under the old School Board Act, but it was dropped under the Act of 1902. It was very singular that all attempts to whittle away the power of local authorities should come from the Government Front Bench. He disagreed with the argument that this was analogous to the working of the Act dealing with defaulting education authorities. In that case the defaulting education authorities had broken the law. In this case there was no question of violating a statute, it was merely a question of whether in the opinion of the local authority small holdings would be desirable in their locality and whether the the demand for small holdings could be met without loss to the ratepayers. Although he did not dare to hope that the right hon. Gentleman would accept the Amendment, they were bound to protest against the adoption of a principle which had been tried in the past and found to be unworkable and contrary to the principles of good self-government, and to warn the right hon. Gentleman that he was not adopting the right course to obtain the object he had in view. He begged to move.

MR. HICKS BEACH, in seconding the Amendment, said he looked upon this as the second coercive step in the Bill. He had always understood the maxim of the Liberal Party to be "Trust the people." When the county councils and parish councils were first started everybody was lead to believe that the respective county councils represented the true wishes of the people. The right hon. Gentleman, when introducing the Bill, said there was no better landlords than the county councils, because they were the most popularly elected bodies in the county, and were the direct representatives of the people. That being so, why not trust them; but the Government, instead of trusting them, put this power in the measure to enable the Commissioners to coerce the county councils when their opinion did not coincide with that of the Board of Agriculture. The Commissioners were to go about the country and inquire as to the demand for small holdings and report to the Board of Agriculture. That report would be sent down to the county council, and in this section it was laid down that it was the duty of the county council to draft the scheme. If the Government trusted the county council, and the county council were to carry this out, the initiative ought to be left with them to see if there was a demand for small holdings. They ought to frame their own report and provide their own scheme, and only when they failed to produce a scheme ought the Board of Agriculture to step in. If it was necessary for the Board of Agriculture to step in and usurp the duties of the county council, the Commissioners ought to carry out their scheme out of the Imperial funds and not out of the rates. He therefore supported the Amendment of his noble friend, and trusted the Government would see their way to accept it.

Amendment proposed—

"In page 2, line 23, to leave out Sub-section (1) of Clause 3, and insert the words—'(1) When the Board state or the county council are of opinion that it is desirable that a scheme shall be made, the county council may prepare one or more draft schemes for the provision of small holdings in their county.'"—(*Viscount Morpeth.*)

Question proposed, "That the words proposed to be left out, to the word 'after,' in page 2, line 23, stand part of the Bill."

MR. HARCOURT said the noble Lord had moved an Amendment which omitted altogether from the Bill the duty imposed on the county council and would leave their action purely optional. The omission of the duty from the Bill would carry with it the omission of any action in default. This was a vital point in the Bill. What he desired was to get the work done where it was desirable and necessary. The noble Lord had spoken of over-bearing the county council by superior force, and of coercing the county council. The Government had done nothing of the sort. They had merely provided an alternative body to act where the county council declined. As he had already said on the introduction of the Bill, where the Board acted in default of the county council, and where it was proved the Board was wrong and the county council right, it was in the highest degree improbable that the expenditure would be charged on the rates; but there might be duties entailed on the central authority by default of the county councils. The noble Lord had said there had been a great deal of lip-service rendered to local self-government On these debates, but he believed the result of the Bill would be to render great and real service to the county councils. He hoped that the effect of the Bill would be to democratise the county councils and make them really representative. He was surprised that it should be said that his action on the Bill was designed to "put up the backs" of the county councils. The noble Lord was a member of the County Councils Association, and would admit that he had endeavoured to meet that body by making a practical concession to them, though not exactly in the form they wanted it; but they were satisfied with the considerable concession which by leave of the Chancellor of the Exchequer he had been able to make that day, viz., the payment by the Treasury of half of any loss which might be entailed upon county councils in acting on their own account. He could not say that he had deliberately, or intentionally, or even innocently "put up the backs" of the county councils against this scheme. He had been desirous throughout of consulting the county councils, and he wished to get the most support he could from the best representative body they had in the country in order that they might have local control and management of these matters. It was only for what he believed would be rare cases that he had provided this machinery.

MR. BRIDGEMAN said he agreed with part of what the right hon. Gentleman had said, that there should be power for the Commissioners to proceed in some other way if the county council refused to act or do their duty. If the right hon. Gentleman would frankly and fairly meet them with the promise that, where the central authority acted instead of the county council, and it turned out that they incurred a loss, the Treasury should pay that loss, then he would not vote for the Amendment, but as the right hon. Gentleman did not see fit to take what seemed to him to be the only fair course, he would support his noble friend's proposal.

MR. LANE-FOX said the right hon. Gentleman, he thought not intentionally, had misrepresented the argument of his noble friend in moving the Amendment. His noble friend had not said that the right hon. Gentleman had "put up the backs" of the county councils. Everyone would admit that the right hon. Gentleman in the discussions on the Bill had been most anxious to meet them, and that he had done his best to meet the objections of the representatives of county councils. But nevertheless the right hon. Gentleman's proposal would have the effect of "putting up the backs" of the county councils, and there he agreed with his noble friend. The right hon. Gentleman did not like the word "coercion," but he did not see how the operation could be otherwise described. As long as this position between the county councils and the central authority was retained there would be a tendency in individual cases to "put up their backs." He hoped the right hon. Gentleman would see his way to eliminate as far as he could, even at that late stage, any question of the coercion of elective bodies, because he was perfectly certain that on the attitude which he adopted with regarded to those bodies depended the success of the Bill. He hoped that the right hon. Gentleman would reconsider the matter.

Question put.

The House divided:—Ayes, 208; Noes, 46. (Division List No. 406.)

AYES.

Acland, Francis Dyke
Adkins, W. Ryland D.
Alden, Percy
Ashton, Thomas Gair
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barry, Redmond J. (Tyrone, N.)
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn, W. (T'w'r Hamlets, S. Geo.
Berridge, T. H. D.
Bertram, Julius
Bethell, Sir J. H. (Essex, Romf'rd
Bethell, T. R. (Essex, Maldon)
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Burns, Rt. Hon. John
Byles, William Pollard
Campbell-Bannerman, Sir H.
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clarke, C. Goddard (Peckham)
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins, Sir Wm. J (S. Pancras, W.
Corbett, C H (Sussex, E. Grinst'd)
Cox, Harold
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Dickinson, W. H. (St. Pancras, N
Dickson-Poynder, Sir John P.
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Edwards, Sir Francis (Radnor)
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Findlay, Alexander
Fuller, John Michael F.
Fullerton, Hugh
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Greenwood, G. (Peterborough)
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harmsworth, R. L. (Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey, W. E. (Derbyshire, N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holden, E. Hopkinson
Holland, Sir William Henry
Hope, W. Bateman (Somerset, N.
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Jardine, Sir J.
Johnson, John (Gateshead)
Jones, Sir D. Brynmor (Swansea)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Kekewich, Sir George
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Lea, Hugh Cecil (St. Pancras, E.
Leese, Sir Joseph F (Accrington)
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lupton, Arnold
Lyell, Charles Henry
Lynch, H. B.
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs)
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah (Down, S.
M'Callum, John M.
M'Killop, W.
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Masterman, C. F. G.
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Montagu, E. S.
Montgomery, H. G.
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Napier, T. B.
Nicholls, George
Nicholson, Charles N. (Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
O'Donnell, C. J. (Walworth)
O'Kelly, James (Roscommon, N.
Pearce, Robert (Staffs. Leek)
Pearce, William (Limehouse)
Pearson, W. H. M. (Suffolk, Eye)
Pollard, Dr.
Price, C. E. (Edinb'gh, Central)
Radford, G. H
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Rees, J. D.
Rendall, Athelstan
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mpt'n
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Roberts, John H. (Denbighs.)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Rogers, F. E. Newman

Rowlands, J.
Rutherford, V. H.(Brentford)
Samuel, Herbert L.(Cleveland)
Samuel, S. M. (Whitechapel)
Scott,A.H.(Ashton under Lyne)
Sears, J. E.
Seely, Colonel
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley,Hn. A. Lyulph (Chesh.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey,Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Sutherland, J. E.
Tayor, Austen (East Toxteth)
Taylor, John W. (Durham)
Thorne, William
Torrance, Sir A. M.
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walters, John Tudor
Walton, Joseph (Barnsley)
Ward, John(Stoke upon Trent)
Ward,W.Dudley (Southampton
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, George (Norfolk)
White, Luke (York, E.R.)
Whitley, John Henry (Halifax)
Wilkie, Alexander
Wills, Arthur Walters
Wilson, J. H. (Middlesbrough)
Wilson, P. W. (St.Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood,RtHn.SirAlex.F.
Ashley, W. W.
Aubrey-Fletcher,Rt.Hon.SirH.
Banbury, Sir Frederick George
Beckett, Hon. Gervase
Boyle, Sir Edward
Bridgeman, W. Clive
Carlile, E. Hildred
Castlereagh, Viscount
Cave, George
Chamberlain,Rt.HnJ.A.(Worc
Cochrane, Hon. Thos. H. A. E.
Collings,Rt.Hn.J.(Birmingham
Corbett, T. L. (Down, North)
Courthope, G. Loyd
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks.,East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Harrison-Broadley, H. B.
Helmsley, Viscount
Hill,Sir Clement(Shrewsbury)
Hills, J. W.
Hornby, Sir William Henry
Hunt, Rowland
Kenyon-Slaney,Rt.Hon.Col.W.
Lyttelton, Rt. Hon. Alfred
Magnus, Sir Philip
Middlemore,John Throgmorton
Morpeth, Viscount
Nicholson,Wm.G. (Petersfield)
Pease,Herbert Pike(Darlington
Randles, Sir John Scurrah
Rawlinson,John FrederickPeel
Ronaldshay, Earl of
Salter, Arthur Clavell
Starkey, John R.
Talbot, Lord E. (Chichester)
Thomson,W Mitchell-(Lanark)
Valentia, Viscount

TELLERS FOR THE NOES—Mr. Hicks Beach and Mr. Lane-Fox.

MR. CAVE pointed out that the clause gave the Board power to make such modifications in the report of the Commissioners as they thought desirable, and moved to substitute "observations" for "modifications." He thought the Board ought not to be allowed to alter the report before sending it on to the county council, but they might make observations upon it.

Amendment proposed—

"In page 2, line 27, to leave out the word 'modifications,' and to insert the word 'observations.'"—(*Mr. Cave.*)

Question proposed, "That the word 'modifications' stand part of the clause."

MR. HARCOURT said it was very desirable in many ways for the Board to have power to modify the report. He would be willing to accept after "modifications" the words "or observations," if that would content the hon. Member.

MR. CAVE expressed his willingness to accede to this alteration.

MR. AUSTEN CHAMBERLAIN said that surely the Board ought not to send to the county council as the Commissioners' report anything that was not their report, and perhaps to foist upon the Commissioners opinions which were not theirs.

MR. HARCOURT reminded the right hon. Gentleman that he had altered several clauses on this point at the request of hon. Gentlemen opposite.

MR. AUSTEN CHAMBERLAIN: When?

MR. HARCOURT: On the Committee. There he had altered the tenor of several clauses. The clause was left in the form in which it stood because it was considered that if the Commissioners' report contained any observations which might be true in themselves but offensive to the county council the Board should have power to modify it.

MR. AUSTEN CHAMBERLAIN thanked the right hon. Gentleman, and said he considered that his explanation was quite satisfactory.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 2, line 27, after the word 'modifications,' to insert the words 'or observations.'"—(*Mr. Cave.*)

Question, "That those words be there inserted," put, and agreed to.

Amendment proposed—

"In page 2, line 30, to leave out the words from 'aforesaid' to the end of the subsection."—(*Mr. George Faber.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

MR. HARCOURT said that even if these words were surplusage he did not think they could do any harm, and he would prefer to retain them.

MR. GEORGE FABER said that although he could hardly accept the reason given for retaining the words as satisfactory he would ask leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

MR. BRIDGEMAN moved to leave out the words "if any" from the portion of the clause which provides that in preparing draft schemes the council shall have regard to the proposals "(if any)" of the Commissioners indicated in the Report. Those words were not only surplusage, but they were insulting to the intelligence of the Commissioners and the Board.

Amendment proposed—

"In page 2, line 31, to leave out the words 'if any.'"—(*Mr. Bridgeman.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. HARCOURT thought the words might well remain. He could conceive of circumstances under which no definite proposal was likely to be made in the report. This was not a question of the details of a scheme; there might be cases in which county councils were perfectly willing to act if they had a free hand, and in which they did not wish to have details prescribed to them.

MR. BRIDGEMAN asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

MR. LANE-FOX moved to leave out Subsection (2). He protested against the procedure proposed in the subsection for over-riding the county council. He was himself a member of a county council with the majority of which he sometimes could not agree, but at the same time he did wish that those who represented the voice of the people who sent them there should be over-ridden by any irresponsible body.

VISCOUNT HELMSLEY seconded the Amendment.

Amendment proposed—

"In page 2, line 33, to leave out Subsection (2)."—(*Mr. Lane-Fox.*)

Question proposed, "That the words of the subsection to the word 'to' in line 33 stand part of the Bill."

SIR. W. ROBSON said that this subsection referred to a point which had been very much discussed, namely, the alternative action which might be taken by the Board where a council did not go on with seeking to provide small holdings. As the point had already been dealt with he would not repeat the arguments in favour of the subsection. The Government regarded it as providing alternative action. There was a great difference between alternative action and coercion. Under coercion they compelled a body to do that which they did not desire to do, but under the alternative action they were not compelled to do anything. The Board did it themselves and made the county council pay.

MR. CHAPLIN said that it was perfectly true that there was a difference between alternative action and coercion, but the hon. and learned Gentleman must remember that the whole of the scheme contained in the first five clauses of the Bill rested on the coercion which sooner or later he intended to apply to the county councils. That was a principle to which he and his friends were totally opposed. In the case of a body like the county council, elected on the widest possible suffrage, they thought it was totally wrong that any Government Department should over-ride them and set their wishes at naught by compelling them to pay for a project of which they entirely disapproved.

Question put.

The House divided :—Ayes, 215 ; Noes, 54. (Division List No. 407.)

AYES.

Acland, Francis Dyke
Adkins, W. Ryland D.
Ainsworth, John Stirling
Alden, Percy
Allen, A. Acland (Christchurch)
Ashton, Thomas Gair
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barry,RedmondJ.(Tyrone,N.)
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn,W.(T'w'rHamlets,S.Geo.
Berridge, T. H. D.
Bertram, Julius
Bethell,SirJ.H.(Essex,Romf'rd
Bethell, T. R. (Essex, Maldon)
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Burns, Rt. Hon. John
Byles, William Pollard
Campbell-Bannerman, Sir H.
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clarke, C. Goddard (Peckham)
Cleland, J. W.
Clough, William
Clynes, J. R.
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Collins,SirWm.J.(S.Pancras,W.
Corbett,C.H.(Sussex,E.Grinst'd
Cox, Harold
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dickinson,W.H.(St.Pancras,N.
Dickson-Poynder, Sir John P.
Dobson, Thomas W.
Duncan,C.(Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Edwards, Sir Francis (Radnor)
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey

Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Findlay, Alexander
Fuller, John Michael F.
Fullerton, Hugh
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harmsworth.R.L.(Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey,W.E.(Derbyshire,N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Henderson, Arthur (Durham)
Henderson,J.M.(Aberdeen,W.)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holden, E. Hopkinson
Holland, Sir William Henry
Hope,W.Bateman(Somerset,N.
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Jardine, Sir J.
Johnson, John (Gateshead)
Jones,SirD.Brynmor(Swansea)
Jones, Leif (Appleby)
Jones,William(Carnarvonshire)
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G.(Leominster)
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Lea,Hugh Cecil(St. Pancras, E.)
Leese,Sir JosephF.(Accrington)
Lever,A.Levy (Essex,Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lyell, Charles Henry
Lynch, H. B.
Macdonald, J. R. (Leicester)
Macdonald,J.M.(FalkirkB'ghs)
Mackarness, Frederic C.

MacVeagh, Jeremiah (Down,S.)
M'Callum, John M.
M'Killop, W.
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks,G.Croydon(Launceston)
Marnham, F. J.
Massie, J.
Masterman, C. F. G.
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Montagu, E. S.
Montgomery, H. G.
Morse, L. L.
Morton, Alhpeus Cleophas
Myer, Horatio
Napier, T. B.
Nicholls, George
Nicholson,CharlesN.(Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
O'Donnell, C. J. (Walworth)
O'Kelly,James(Roscommon,N.
Pearce, Robert (Staffs. Leek)
Pearce, William (Limehouse)
Pearson, Sir W. D. (Colchester)
Pearson,W.H.M.(Suffolk,Eye)
Pollard, Dr.
Price,C.E.(Edinburgh,Central)
Radford, G. H.
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell(Scarboro')
Rees, J. D.
Rendall, Athelstan
Richards,Thomas(W.Monm'th
Richards,T.F.(Wolverh'mpt'n)
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Roberts, John H. (Denbighs.)
Robertson,SirG.Scott(Bradf'rd
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Rogers, F. E. Newman
Rowlands, J.
Rutherford, V. H. (Brentford)
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott,A.M.(Ashton-under-Lyne
Sears, J. E.
Seddon, J.
Seely, Colonel
Sherwell, Arthur James

Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Sutherland, J. E.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Thorne, William
Torrance, Sir A. M.
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walters, John Tudor
Walton, Joseph (Barnsley)
Ward, John (Stoke-upon-Trent)
Ward, W. Dudley (Southampton
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, George (Norfolk)
White, Luke (York, E. R.)
Whitley, John Henry (Halifax)
Wilkie, Alexander
Wills, Arthur Walters
Wilson, J. H. (Middlesbrough)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.

Tellers for the Ayes—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood, Rt Hn. Sir Alex. F.
Anson, Sir William Reynell
Ashley, W. W.
Aubrey-Fletcher, Rt. Hon. Sir H
Balcarres, Lord
Balfour, Rt Hn. A. J. (City Lond.)
Banbury, Sir Frederick George
Baring, Capt. Hn. G (Winchester
Beach, Hn. Michael Hugh Hicks
Boyle, Sir Edward
Bridgeman, W. Clive
Carlile, E. Hildred
Castlereagh, Viscount
Cave, George
Cecil, Lord R. (Marylebone, E.)
Chamberlain, Rt Hn. J. A. (Worc.
Chaplin, Rt. Hon. Henry
Cochrane, Hon. Thos. H. A. E.
Collings, Rt. Hn. J (Birmingham)
Courthope, G. Loyd
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Gretton, John
Harrison-Broadley, H. B.
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hornby, Sir William Henry
Hunt, Rowland
Kenyon-Slaney, Rt. Hon. Col. W.
Lyttelton, Rt. Hon. Alfred
Magnus, Sir Philip
Middlemore, John Throgmorton
Morpeth, Viscount
Nicholson, Wm. G. (Petersfield)
Pease, Herbert Pike (Darlington
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson, John Frederick Peel
Ronaldshay, Earl of
Salter, Arthur Clavell
Starkey, John R.
Talbot, Lord E. (Chichester)
Thomson, W. Mitchell- (Lanark)
Turnour, Viscount
Valentia, Viscount

Tellers for the Noes—Mr. Lane-Fox and Mr. Beckett.

Amendment proposed—

"In page 2, lines 23 and 24, to leave out the words 'after considering the report and such representations as aforesaid, as respects any county.'"—(*Mr. H. Chaplin.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. HARCOURT said that this was merely a verbal Amendment to which he had no objection.

Mr. A. J. BALFOUR said he hoped that this Amendment would be accepted without discussion. He made this appeal to hon. Gentlemen on both sides of the House because there was an Amendment of great importance which ought to have received discussion, but which, owing to circumstances of which they were all aware, could not be discussed at all at present. He thought that they should leave without much debate other questions which were not of first-class importance.

Amendment agreed to.

Amendments proposed—

"In page 3, line 1, to leave out the word 'amount,' and insert the word 'quantity.'"

"In page 3, line 7, to leave out the word 'amount,' and insert the word 'quantity.'"—(*Mr. Harcourt.*)

Amendments agreed to.

Amendment proposed—

"In page 3, line 30, after the word 'and' to insert the words 'may in any case.'"—(*Mr. Harcourt.*)

Question proposed, "That those words be there inserted."

Mr. HARCOURT said that he proposed the insertion of these words in fulfilment of a promise made in Committee in order that the Board might hold an inquiry even if the county council did not ask for it.

Question put, and agreed to.

Mr. A. J. BALFOUR, in moving to omit Clause 5, said that the House would remember that at an earlier stage of the discussion that evening there was a debate upon the financial relations which might exist between the Board of Agriculture on the one side, and the county councils on the other, in relation to the creation of small holdings. Various points of great importance were raised before Mr. Speaker, who ruled that the Amendment was not one which came within the rule governing the procedure on the Report stage. He need not say that that was a ruling which had a most serious bearing on the debate, and it would no doubt be followed by rulings of similar tenor which would prevent the whole House, on the only occasion on which the details of a measure came before the whole House, from dealing with the matter at all. That was a most serious condition of affairs, especially considered in relation to the fact that questions of social reform would during this Parliament largely occupy the attention of the House of Commons. All questions of social reform must touch closely the relations of Imperial and local finance, and if such questions were really to be excluded from debate on the only occasion on which the House as a whole could discuss the details of a Bill, it was quite manifest that unintentionally and without any sinister design the new rules curtailed the liberty of hon. Members on both sides to a degree which was really of the most vital and serious import to those who desired to see the House have some control over its legislation. The Minister in charge of the Bill made a statement which could only be made by leave, and the substantial difference between the Government and a large section of opinion on both sides was this—Were they or were they not so to frame this Bill that its provisions were to be carried out over the head of the county councils, but at the expense of the ratepayers? If the Bill ceased to work, was the policy of creating small holdings to come to an end? He hoped not. But was there any way of avoiding that result except to say that where the Board of Agriculture, acting under the direct control of the Government, wished to carry out the creation of small holdings, and did not find a harmonious co-partner in that effort in the county council in whose district the land was situated, and the Board wished to overrule the county council, the only way to do it was at the cost of the general community? It was not for him to discuss that policy at the present moment, but he asked, could the Government, give the House an opportunity to discuss the point? The House was precluded by Mr. Speaker's ruling and by the traditions of the House from laying down the rule that the Treasury must do what in the Bill it might do. The Government should provide a chance of discussing what was the central problem of this agricultural question, for no point which had been raised in connection with the Bill was comparable in importance with the question now being discussed. He urged the Government, therefore, to consent to re-commit the Bill for the purpose of discussing this special question. They could not discuss it at that stage owing to their rules, and there was only one way in which they could debate it, and that was by the Government consenting to re-commit the Bill before their discussions upon it came to an end, and he earnestly pressed that policy upon them after the guillotine Resolutions had been carried out. It would not involve any waste of time if on Friday next the Government consented to re-commit the Bill. The Third Reading would have to take place under the guillotine rule at five o'clock, and therefore not by a single quarter of an hour would the proceedings on the Bill be prolonged if the Government made a favourable response to the appeal which he was then making. He thought they ought to make that favourable response. It was not in order for him to discuss the merits of the proposal, but it was in order for him, he thought, to ask the right hon. Gentleman in charge of the Bill to give them, at length, his view of the present financial position under it and to say if he received with any favour the proposal that he should on Friday next re-commit the Bill for the purpose of meeting the views which were expressed in the Committee upstairs but which had never been before the House for five minutes. In order that the right hon. Gentleman might make a statement on the matter he begged to move to omit Clause 5.

Amendment proposed—

"In page 4, line 1, to leave out Clause 5."

Question proposed, "That the words proposed to be left out to the word 'on' in page 4, line 1, stand part of the Bill."

*MR. HARCOURT said that this point was not a new one and had been prominent in their debates for many years. The matter was referred to the Grand Committees under their former rules, but of course it was obvious that certain proposals which had been suggested that afternoon which would impose fresh charges or rates would be beyond the scope of the Resolutions of the House regulating either the Committee or the Report stages. What the right hon. Gentleman specially desired was that he should describe the financial proposals of the Bill and the proposals which the Government had allowed him to make in respect of them. He could not assent to the right hon. Gentleman's proposal that they should recommit the Bill, but it would be open to the right hon. Gentleman to take a division later which would probably meet his views. The discussion on Clause 5 as it came from upstairs arose out of a concession made by himself. Subsection (3) was not in the Bill originally. It was introduced to make clear what he had always intended—that where the Board were acting in default of a county council, the Board should have the power not to demand the repayment of losses. Then an Amendment was carried against the Government asserting the power of the Board to pay the losses incurred even by a county council acting on its own initiative, and he had accepted that decision of the Committee. A Treasury Minute, as he had stated that afternoon to a deputation of the County Councils Association, would be issued giving a general and detailed indication to the county councils of the lines on which the Treasury were prepared to act where a loss had been incurred by a county council acting on its own behalf. From the information which he had received, he was sure that this considerable concession would give great satisfaction to the representatives of the county councils.

SIR J. DICKSON-POYNDER (Wiltshire, Chippenham) said that the question now seemed to be merely one of drafting, and he thought the proposal thrown out for the consideration of the Government was an eminently reasonable one as it would not involve any extra expenditure of time. The Leader of the Opposition had said he would forego certain extra time for the discussion of other subjects in order to allow the Bill to be recommitted and Clause 5 drafted in a proper form taking it in conjunction with the Treasury Minute. At present the Bill was drafted in a very ambiguous form. It suggested that sums should be granted by the Treasury, and then that those sums should be refunded by the county council. Anyone who dealt with this clause from the point of view of the county councils would find themselves in great difficulty and confusion. He hoped that his right hon. friend would allow the Bill to be recommitted and redrafted in the spirit of the Minute which he said was to be issued by the Treasury, so that the clause might not conflict with the Minute. It would be very much better from the drafting point of view and would save a great deal of confusion which might otherwise arise.

MR. COURTHOPE also joined in the appeal that the right hon. Gentleman would allow the Bill to be recommitted for the purpose of dealing with this matter. It would be quite impossible for the county councils to deal with the question satisfactorily unless that were done. The right hon. Gentleman had stated that the question arose because he himself inserted Subsection (3), but that statement was not quite correct, because that subsection as it at present stood was due not entirely but in part, and in a very important part, to his hon. friend the Member for Kingston. It was moved in Committee, and carried against the Government.

MR. HARCOURT: I said so.

MR. COURTHOPE said he did not understand the right hon. Gentleman to say so, but at any rate the result of the proceedings was that Subsection (3) was introduced in its present form, and that it was quite impossible to work Clause 5 as it stood; it was absolutely essential that it should be amended in some reasonable manner, so that it might be possible for the county councils to administer the Act as the House would wish them to administer it.

MR. ADKINS (Lancashire, Middleton) said that as one of the members of the deputation from the County Councils, he might say that they appreciated the substantial concessions which had been made by the right hon. Gentleman during the two discussions they had had. He was bound to say in fairness to the right hon. Gentleman that the Treasury Minutes mentioned by him were substantially in accord with the resolution passed by the County Council Association with only one dissentient. While expressing their view that they would be glad to get further concessions, they recognised that the pledge to all county councils that, if they obtained certificates from the Board of Agriculture, half any loss incurred would be met by the Treasury was a fair compromise. He thought the House should be satisfied with the assurance already received, and that the words of the First Commissioner should be interpreted as a pledge that he intended to carry out the suggestions made. Those who were prepared to acquiesce in the Treasury Minute did so because they knew they could trust those responsible.

*MR. CAVE said they entirely trusted the assurances of the right hon. Gentleman that a Minute would be issued dealing with cases in which a county council had carried out a scheme, but he was rather anxious about the position of a county council which had, as the right hon. Gentleman would say, "defaulted," and had thereupon had a scheme carried out by the Commissioners. As the clause stood, the whole expense incurred by the Commissioners in such a case would have to be repaid by the county council to the Commissioners, and it was not clearly stated that the board might remit a part of such expense. He thought that the clause should be modified so as to make the county council liable only for such expense as the board certified "to be properly payable by the county council." Further, if a county council refused to carry out a scheme because they expected that it would entail a loss and the Commissioners stepped in and carried it out, and if loss did occur, it was, as the clause stood, entirely within the discretion of the Board whether they allowed or repaid a farthing to the county council. He thought that in such a case the Board should be bound to allow or make good the loss.

MR. HARCOURT said he was not prepared to make Subsection (3) mandatory, because he thought the House might well be satisfied to leave the matter to the discretion of the Board and the Treasury. He had always held that under such circumstances as the hon. and learned Gentleman had just outlined it was impossible to imagine that the cost would be charged on or recovered from the county council by the Board and the Treasury. He would be prepared to accept the Amendment of the hon. Member for Kingston to insert after "scheme" the words "and to be properly payable by the County Council."

*MR. WEDGWOOD (Newcastle-under-Lyme) said he profoundly regretted that the right hon. Gentleman was prepared to allow an Amendment carried against the Government in Committee to remain part of the Bill. The Amendment, carried by twenty-two to twenty-one in Committee, enabled the Board of Agriculture, when they could get the assent of the Treasury, to transfer any loss which might arise under the Act from the ratepayers of the county to the taxpayers. On the broad ground that they ought not to transfer a charge from the ratepayers to the taxpayers he regretted that the Government were accepting the Amendment. If the charge was taken off the county ratepayers and transferred to the taxpayers, it meant that it was taken off the shoulders of the landowners and transferred to the shoulders of the working classes throughout the country. It had been a matter of debate in the House for many years as to who paid the rates in the country. Liberal Members, when sitting on the other side, maintained that the rates were paid by, and incident on, the landlords, although paid by the tenants in the first instance. He remembered ten years ago indignant protests being made by Liberal Members then in the House against grants by means of gold paid by the Exchequer for relief of the local rates, and now this was another case of transferring, as the Conservatives did when they were in power, charges which naturally and rightly fell on the ratepayers in country districts to the shoulders of the taxpayers. As a Liberal, when in power as in Opposition—and there were many Ministerialists in agreement with him—he protested against a Liberal Government transferring a charge which had fallen on the local rates and the landlords to the taxpayers.

MR. CHAPLIN said he could not help remarking what must be obvious to everyone, what a commentary that discussion was upon the present system under which they prosecuted their business. Here they were engaged in discussing a subject in which both sides of the House were deeply interested, yet they had to deal with it under the pressure of the few minutes left to them before the guillotine was applied. He did not propose to dwell upon that; he rose to express the hope that the right hon. Gentleman in all the circumstances would reconsider his refusal to agree to the recommittal of the Bill. They all appreciated the right hon. Gentleman's readiness to make the Treasury Minutes on this subject, which, however, as he understood him, he might possibly be prevented from submitting to them at the present time; but he could not help recollecting that to some extent at all events the advantage of that offer was discounted by the statement of Mr. Speaker that afternoon—and he had the greatest respect for any statement which he offered to the House—that he at least was unable to see how that offer could be carried out within the terms of the Bill. If that were so—and he thought that they ought to pay great respect to that expression of opinion—surely it was an additional reason why the right hon. Gentleman should agree to the proposal made by his right hon. friend that the Bill should be recommitted on Friday next, in order that they might have an opportunity of carefully considering this question instead of having to dispose of it in a few minutes. He did not know whether the right hon. Gentleman had appreciated what had fallen from his right hon. friend that if the proposal were adopted to recommit the Bill not a single moment of time would be lost. They on that side of the House would be perfectly prepared and willing to sacrifice any time to which they might be otherwise be entitled for the discussion of the Third Reading of the Bill. Under all the circumstances he thought they were entitled to make this appeal to the Government, and he hoped the Government would not finally refuse.

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fifeshire, E.) said he quite recognised the moderation of what the right hon. Gentleman had said, but he would ask the House not to recommit the Bill. He did not know how far such a course would fit in with the guillotine Resolution, as it was called, but even assuming that it would, there was ample power under the Bill as it stood for the Treasury to do that which the right hon. Gentleman wished. No further statutory authority was needed to carry out what his right hon. friend, with his own assent on behalf of the Treasury, had undertaken to do in explicit terms. The time which remained would be better occupied, he thought, if the hon. and learned Member for Kingston would move his Amendment, which would make the clause clearer.

MR. HICKS BEACH said he was very sorry that the right hon. Gentleman could not accept the Motion to recommit the Bill. It was quite clear from what he had said that both the Chancellor of the Exchequer and the First Commissioner of Works were prepared to meet the case and pay out of the Imperial Exchequer the expenses incurred by the Commissioners where the county council was in default.

MR. A. J. BALFOUR said he desired, with the leave of the House, to withdraw the Amendment he had moved, in order that the hon. Member for Kingston might move his Amendment.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 4, line 17, after the word 'scheme,' to insert the words 'and to be properly payable by the county council.'"—(*Mr. Cave.*)

Question proposed, "That those words be there inserted"

MR. AUSTEN CHAMBERLAIN said the Chancellor of the Exchequer did not seem to realise what he was doing. He was, in fact, giving a premium to a county council to go in default. ["No."] Yes, if a county council were obstinate and were in default and any loss were incurred, the Treasury would pay the whole of it, and therefore, instead of its being to the interest of every county council to work the Bill for all it was worth, it would be to their interest to allow themselves to be put in default. Whether the scheme turned out successfully or whether it turned out a failure, the loss might not fall on the ratepayers, but be borne by the Exchequer. That was the result of the clause in the form in which the Government had now cast it. He could only say that he regretted this equally from the point of view of the Exchequer and from the point of view of the smooth working of the Bill. Surely they wanted to see the county council put the Bill in force with a reasonable prospect of success rather than that an outside authority should come down and override them.

And, it being half-past Ten of the clock, Mr. SPEAKER proceeded, pursuant to the Order of the House of the 9th August, to put forthwith the Question on the Amendment already proposed from the Chair.

Question put, and agreed to.

Bill, as amended, to be further considered To-morrow.

EDUCATION (ADMINISTRATIVE PROVISIONS) BILL.

As amended (by the Standing Committee), considered.

MR. HARMOOD-BANNER (Liverpool, Everton) said that on Clause 3 he had given notice of three Amendments, the object he had in view being to leave out the sanction of the Local Government Board. The object of the clause was to give the same rights to counties as to boroughs. That might be all very well in its way——

*MR. SPEAKER: The Amendment proposed by the hon. Member does not make the Bill read.

MR. HARMOOD-BANNER said that unfortunately he had been obliged to draft his Amendments on the old Bill before the Committee Amendments were inserted. [Cries of "Order."] Many hon. Members opposite were in a great hurry to deal with this question, and he would like to refer them to the communications they had received from various town clerks in which they had been requested to vote for this Motion, which provided that the term of sixty years should be applicable to the repayment of building loans under the Education Act. That was a matter of the very greatest importance to county and municipal boroughs, and one to which attention had been drawn in the House for some considerable period. He would have thought the necessity of extending the period to sixty years would have been at once apparent, and would have been sanctioned by the Local Government Board.

*MR. SPEAKER: I must again remind the hon. Member that his Amendment does not read.

MR. HARMOOD-BANNER said his object was to extend the period of repayment to sixty years.

*MR. SPEAKER: So far as I can understand, what the hon. Member wishes to do is to take away the discretion of the Local Government Board, and to extend the period of repayment from thirty to sixty years in all cases. Does not that increase the charge on the rates?

MR. HARMOOD-BANNER: It lessens the charge. I wish to relieve the ratepayers.

MR. LEIF JONES submitted that the amount repaid must be larger on account of the interest having to be continued over a greater number of years.

MR. HARMOOD-BANNER said the repayment of £5,000 in a period of thirty years would fall more heavily on the ratepayers than if the repayment were spread over sixty years.

*MR. SPEAKER: If the hon. Member would put himself in that position he would find that more money was taken out of his pocket in sixty years than in thirty years.

MR. RAWLINSON (Cambridge University) moved to omit Clause 3. He protested against power being given to extend the period of repayment to sixty years. It was an excessive time over which to spread the repayment of money borrowed for the building of schools.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. McKENNA, Monmouth, N.) indicated dissent.

MR. RAWLINSON said the right hon. Gentleman shook his head, but looking to the progress which had been made in the last thirty or forty years in the construction of school buildings he held that sixty years was an excessive period to take as the life of schools which were being put up at present. This was thoroughly bad finance. Each generation should bear its own burdens.

MR. HARMOOD-BANNER seconded the Amendment. He considered that the clause was an absolute sham and a delusion and should be recommitted until it was made a real and proper clause. The provision for extending the period of repayment to sixty years was an imposture, because those who desired to extend the period were hampered and tied by the necessity of obtaining the sanction of the Local Government Board. The Local Government Board would say that they did not believe the schools would last for more than thirty years, while the Local Education Committee insisted that they would last for sixty years. Therefore, the Local Government Board would override the Local Education Committee. This was a very important matter to all counties and boroughs, for it meant excessive cost to them. Therefore, he contended that the clause ought to be eliminated from the Bill or made a really effective clause.

Amendment proposed—

"In page 3, line 4, to omit Clause 3."

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. McKENNA said that the clause simply put the county council in exactly the same position as every borough and urban district council.

Question put, and agreed to.

*VISCOUNT MORPETH moved to omit Clause 5. The point he wished to raise was comparatively simple. A difficulty arose where the county council provided the furniture or buildings out of revenue and not by way of loan. It was argued by the Local Government Board that that was not capital expenditure, and that therefore the county council were not entitled to charge three-fourths of the cost on the parish as they would otherwise have been. But the Courts had given a decision which made it plain what was a capital expenditure and what was not. He was satisfied to rest himself on the decision of the Courts which rendered it quite unnecessary for the Local Government Board to say what was capital expenditure and what was not. He preferred to rely upon the decision of the Courts rather than upon what might be the varying decisions of the Local Government Board.

VISCOUNT HELMSLEY seconded the Amendment.

Amendment proposed—

"In page 3, line 31, to leave out Clause 5."—(*Viscount Morpeth.*)

Question proposed, "That the words proposed to be left out to the word 'as' in page 3, line 34, stand part of the Bill."

MR. McKENNA said that the noble Lord was perfectly right in his reference to the decisions of the Court of law; but there were other decisions, and the hon. Member by his proposal would be depriving the local authorities of a really valuable power if he did not allow these authorities to be informed in advance by the Local Government Board what would be regarded as capital expenditure when the audit came to be taken.

SIR WILLIAM ANSON (Oxford University) said that as he understood the present situation it was that the question of capital expenditure was left to be determined by the Local Government Board, which had decided that nothing should be regarded as capital expenditure unless the money had been raised by way of loan by the local authority. The question had been already before the Courts of law which had decided in favour of the local authorities. If the local authorities desired to have access to the Courts of Law, he urged the right hon. Gentleman not to exclude them from their jurisdiction.

Mr. McKENNA said that that question would arise in a later Amendment.

Lord R. CECIL (Marylebone, E.) thought the Amendment would carry out the wishes of everybody and leave things as they were. As he understood the question it was that capital expenditure was confined to the expenditure of money raised by way of loan. That solitary question had been disposed of by the Courts, who said that capital expenditure was capital expenditure, and although it was not quite clear he agreed that it was sufficient for this purpose. He did not see the necessity for the clause, because it would give the local authority power to over-rule what the Courts had said, and to charge on a parish what the Courts said should not be charged. If the clause were struck out the position would be exactly defined by the Court of King's Bench, which said that the fund which accountants said was capital expenditure was capital expenditure. The clause, however, instead of doing any good for the local authority would be likely in his opinion to add to the confusion of the law, and it seemed to him that in view of the decision of the Law Courts the right thing was to strike out the clause. He might point out, moreover, that the clause was drafted before the decision of the Law Courts was given, and since the Courts had spoken he could not see that the clause was needed.

Mr. McKENNA pointed out that under the clause there would be an appeal to the Court if the necessity arose. The noble Lord appeared to think that the only dispute which would arise would be that which was dealt with by the decision he had quoted, but there were other cases in which it was desirable that the Courts should decide what was and what was not capital expenditure, and that contingency was dealt with under the words of the section.

Mr. ADKINS said the only question in the minds of hon. Members was whether this provision did really secure that appeal to the Court which they were desirous of having. If they were assured that it did there was no need for an Amendment, but if it did not he thought they should have an Amendment.

Amendment negatived.

Mr. ADKINS moved an Amendment providing that no question should be raised "on audit" as to the treatment of expenses which, by order of the Local Government Board, it was declared might or might not be treated under Section 18 of the Education Act, 1902, as expenses incurred in respect of capital expenditure. He said the insertion of the words "on audit" would meet the desire of local authorities to have an appeal to the Courts of law.

Mr. VERNEY seconded.

Amendment proposed—

"In page 3, line 34, after the word 'raised' to insert the words 'on audit.'"

Question proposed, "That those words be there inserted."

Mr. McKENNA said that as a feeling had been expressed on both sides of the House that these words should be inserted he would accept the Amendment.

Question put, and agreed to.

Mr. GEORGE WHITE (Norfolk, N.W.) moved an addition to Clause 9, which provides that the condition that the annual expenses of the maintenance of a school not managed by a school authority are, to the extent of not less than one-third, to be defrayed out of sources other than local rates or money provided by Parliament shall cease to be a condition required for the grant of a certificate under Section 7 of the Elementary Education (Blind and Deaf Children) Act, 1893, to such a school as a school suitable for providing elementary education for blind or deaf children. The Amendment was to add the words "on condition that the local authority shall appoint one-third of the governing body."

Amendment proposed—

"In page 4, line 28, after the word 'children' to insert the words 'on condition that the local authority shall appoint one-third of the governing body.'"

Question proposed, "That those words be there inserted."

Mr. McKENNA said he would accept the Amendment.

SIR WILLIAM ANSON objected to the introduction of the words as not being applicable to this class of school. Besides, he complained that the words not being on the Paper the House had had no opportunity of considering them.

VISCOUNT MORPETH argued that the words were quite unnecessary, and pointed out that there were not a great many of these schools. County councils had to send children to them a very great distance in another part of the country, and it might not be convenient for them to appoint representatives in regard to the management of schools which might be hundreds of miles away from their own county. He did not think the object which the hon. Member had in view would be obtained by this proposal.

MR. KcKENNA said that hitherto these schools had been maintained out of private funds mainly on condition that one-third of the expenditure was provided from public funds. For the first time it was sought to relieve these schools from the necessity of being carried on by private enterprise and the whole cost of them would be paid for out of rates and taxes, whereas the management of them was carried on by an absolutely private body. It was therefore desirable that there should be some control on the part of the public. This was not a religious question at all, but a question of management, and as the request was only for one-third of the management acting on behalf of the public he did not see any objection. He admitted the administrative difficulty which had been raised by the noble Lord, and if the claim had been for a majority of the members of the Board being nominated to represent the public it would no doubt have been difficult to work the provision. But all that was asked for now was that there should be some public representation to keep an eye on the expenditure of public money, and under those circumstances he thought the Amendment was a perfectly reasonable one.

SIR HENRY CRAIK (Glasgow and Aberdeen Universities) said there might be several local authorities who sent children to these deaf and dumb schools. Were those local authorities to be represented?

MR. McKENNA said certainly not; only the local authority where the school was.

SIR HENRY CRAIK said that that was not what the Amendment provided. The Amendment provided that each local authority should be represented.

MR. A. J. BALFOUR said it did not appear that hon. Members quite understood what the Amendment was; perhaps Mr. Speaker would put the Question again.

MR. SPEAKER: Amendment proposed—

"Clause 9, to add, 'on condition that the local authority shall appoint one-third of the governing body.'"

LORD R. CECIL submitted that that meant each local authority. How did anyone know that the trusts of the school, if there were any trusts, would permit any such appointments to be made? If not, they would not be able to take advantage of this clause. Moreover, what provision was there for the appointment of these people? No such power was given, no machinery was provided. To put in these words in a casual kind of way in order to express the aspiration of the hon. Member for Norfolk was not good legislation. The terms of the Amendment ought at least to be carefully considered if the Government thought it was necessary.

MR. McKENNA said there was a great deal in what the noble Lord had said. He had words to propose which, he thought, would meet the case—"Provided that on the body of managers at least one-third are members appointed by the local authority." He would move those words or see that they were inserted in another place.

MR. GEORGE WHITE said that he accepted the wording suggested by the right hon. Gentleman. The clause dealt with national funds as well as with the local rates, and where institutions were maintained by public funds some public control should be claimed.

MR. WALTER LONG (Dublin, S.) said that they must not be taken as assenting to the suggestion of the President of the

Board of Education that this matter should be dealt with on a subsequent occasion. The hon. Gentleman who was responsible for the original proposal suggested that because these schools were paid for by public money, the local authority should have a share in the management, but the right hon. Gentleman opposite had contended times out of number that the main expenditure came out of the taxes, and not out of the rates. How then could it be contended that the ratepayers should be represented on the management? It was now suggested that the local authorities should have a share in the management. That could only be done by a scheme which had been the subject of very careful consideration. He suggested that the hon. Member should not accept the suggested Amendment as it did not meet the view which he had put forward, and that the House should not be committed to the casual proposal of the right hon. Gentleman.

MR. ADKINS hoped that the right hon. Gentleman would adhere to the undertaking he had given, carrying out some measure of local control. It was hardly correct to say that the local authority represented the ratepayers and that this House represented the taxpayer. The local authorities represented the community generally, and he hoped that if the Amendment was not carried in another place the clause would be struck out, and that this serious precedent would not be created. Local oversight of a representative character was needed for the expenditure of this money.

MR. A. J. BALFOUR said the right hon. Gentleman felt, and he thought rightly, that they could not deal with this difficult question to-night. It was admitted that the original Amendment would not do. What was the Government substitute for it? It was that a third of the body of managers was to be provided by the county councils. But who was going to settle what county councils? It would be necessary to have an additional Amendment by which the Board of Education or Local Government Board could frame a scheme by which the various county councils might have their representatives, and rival claims might be settled. That was not beyond the powers of legislation of that House, but it could not be done that night, and he suggested that the point should be left over in order that the Government might have time to consider it.

MR. WALTERS (Sheffield, Brightside) said that if this was a question so fraught with difficulty that it was not possible to frame an Amendment to meet the case, then they must fall back on the other alternative and omit the clause altogether. There was this difficulty about accepting the clause with some such qualification as had been suggested, that they would be granting a large sum of public money for the maintenance of these schools; they would be really dealing with one aspect of the question without dealing with the other at the same time. If they were going to grant an additional sum of money, surely at the same time they should have a provision for a larger measure of public control. Therefore, if the Amendment could not be dealt with now, he suggested that the clause should be omitted altogether.

MR. COURTENAY WARNER (Staffordshire, Lichfield) pointed out that it ought to be possible to amend the Amendment in the form which had been suggested. Nobody had raised any objection on the other side of the House.

MR. A. J. BALFOUR said the Amendment did not suggest what county councils; it suggested unknown county councils.

MR. COURTENAY WARNER said that if the county councils were unknown, then instead of putting in the words "local authority" they might put "the county council in whose area the school is situated." That would give public control for the money given under the Bill. The only other alternative was that the whole clause should be struck out, unless hon. Gentlemen opposite were willing to accept some form of words which would meet the case of the taxpayer and ratepayer.

*MR. WEDGWOOD hoped that the suggestion of the hon. Member for the Brightside division would not be acted upon, and that the clause would be retained in the Bill. Anyone who knew anything of these schools knew what a valuable work they did; they were of the utmost importance for blind and deaf children. He trusted that, whatever happened, the Government would not part with this clause, whether they accepted the Amendment or not.

MR. BYLES (Salford, N.) said he agreed with the hon. Member as to the value of these schools, but he would like to say that there had been a good many opinions expressed since this provision was put into the Bill in Committee. He was present in the Committee when it was submitted. The new clause came on just at the end when they were a little hurried, and he thought that perhaps the clause itself was accepted without full consideration. Since then there had been a considerable expression of opinion among his colleagues around him that some such provision as was suggested by the Amendment should be carried as a proviso to the clause. None of the speakers on the other side or in any part of the House had taken any objection to the essence of the Amendment, but only to the method by which it was proposed to be applied. He hoped that the clause would not be dropped, but that some provision would be made that where the total annual expenditure was provided for out of public money there should be some representative of the local authority to see to the administration of it. The committee or managing board of any of these schools would welcome the presence of the mayor or some competent local representative to assist them in the administration of these valuable institutions.

MR. GEORGE WHITE asked leave to withdraw the Amendment. [OPPOSITION cries of "No."]

Leave to withdraw being refused, Question put, and negatived.

MR. McKENNA, on Clause 11, moved to leave out subsection 1.

MR. GEORGE WHITE, on a point of order, asked whether it was too late for the clause to be withdrawn.

*MR. SPEAKER said that if the Amendment had been withdrawn then it would have been possible to withdraw the clause, but as there had been a decision on the Amendment it was not possible to go back.

MR. McKENNA said he might state that in the proceedings on the Bill of 1902, it was intended to amend Section 23 in that direction, but owing to words of hasty advice by the hon. Baronet opposite that was not done. On the present occasion he proposed to repeal those words, which appeared to him to be the simplest form of dealing with the matter. He begged to move.

Amendment proposed—

"In page 4, line 35, to leave out subsection (1)."—(*Mr. McKenna.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Amendment agreed to.

Amendment proposed—

"In page 5, line 13, at the end, to add the words 'and the words "ordinarily resident in the area of the council," in subsection two of section twenty-three of The Education Act, 1902, are hereby repealed.'"—(*Mr. McKenna.*)

Question, "That those words be there inserted," put, and agreed to.

SIR HENRY CRAIK proposed to insert in line 25 after the first "the" the words "power, and where required by the Board of Education, the." In the past he had done all he could in favour of medical inspection, but he felt certain that the scheme which the right hon. Gentleman was now putting forward was fraught with danger. When the Government came forward for the first time to establish a great and noble work of the highest importance for the future of the the nation it ought to be done in a way that showed promise of working in a smooth and easy manner. What would be thought of a proposal under which, after asking local authorities to establish these schools and maintain and manage them they said "we have no help for you, but we shall probably give you directions and offer you grants, but not just now." That was practically what the right hon. Gentleman was saying. He was placing upon the local authorities a very heavy financial burden which would be very severely felt and would involve enormous difficulty, because it would require the highest scientific skill and direction at every step. To carry out this proposal the local authorities would be required to interfere very seriously indeed with individual liberty. In beginning the work they would have to face the fact that it would be necessary to deal with very serious prejudices. The difficulty was one which the Government ought not to place upon the local authorities without taking a large share of the responsibility both financially and in a scientific direction. By proceeding in the way now proposed they would perhaps do more harm than good. There was a precedent for what he suggested in a measure of a similar kind for Scotland at present before Parliament. That Bill proposed that "a school board may, and where required by the Department shall, provide for medical inspection." That was what he wished to be done in this Bill. They ought to give them this power before forcing them to take an over-zealous or mistaken step. The right hon. Gentleman might reply that he was going to have a medical department at the Education Department. He would like to know if that matter had been laid before the Chancellor of the Exchequer? [Cries of "Divide, divide."] Were hon. Members who were so impatient aware of what this proposal was going to cost? When the Government came forward with a scheme of this kind the House ought to see that it was a complete one. They were now proposing to enter upon the biggest work which the nation had to do. [A LABOUR MEMBER: "And the best."] If they began in a wrong wrong way they would probably do more harm than good. It was for these reasons that he moved the Amendment standing in his name, which would put the English Bill on the same footing as the Scottish Bill. His proposition would enable the local authorities to do what they wanted instead of forcing them to act prematurely.

MR. ASHLEY seconded.

Amendment proposed—

"In page 5, line 25, after the first 'the,' to insert the words 'power, and where required by the Board of Education, the.'"—(*Sir Henry Craik.*)

Question proposed, "That those words be there inserted."

MR. MCKENNA expressed the hope that the hon. Gentleman would not press the Amendment. The hon. Member said he wanted a more complete scheme, but his words, instead of increasing the scheme would cut it down.

SIR FRANCIS POWELL (Wigan) said he generally concurred with his hon. friend on education matters, but he confessed that on this occasion he entirely differed from him. What he proposed would be a great impediment to an important reform. Englishmen looked forward with the greatest interest to the work which was contemplated. This question was raised last week at the conference on hygiene, and opinion on it was practically unanimous. He hoped the House of Commons would sanction this proposal, and so give effect to public opinion as expressed by large bodies throughout the country. It was a good work which all civilised nations desired.

SIR WILLIAM ANSON (Oxford University) expressed the hope that his hon. friend would not press the Amendment. The Government were taking an important step in laying on local authorities a very serious duty, and, if it was to be carried into effect, the means of giving proper guidance should be supplied. He felt sure that the resources of the local authorities would have to be supplemented by a Government grant. He and his friends would like to have an indication from the Board of Education as to whether that demand would be met by the Chancellor of the Exchequer. There were serious difficulties in the way of medical inspection, and he would like the Government to give some assurance that they were alive to the importance of the step they were taking, and that they were preparing the machinery for giving the step all the efficacy it was likely to demand.

MR. LUPTON supported the Amendment, believing that it was a proposal in favour of local and individual liberty.

MR. WADSWORTH (Yorkshire, W.R., Hallamshire) asked whether there was any prospect of the formation at the Board of Education of a medical department specially devised for dealing with this question. Apart from the question of assistance from the Exchequer towards the cost of this scheme, there was the far more important question of guidance and direction being given by skilled persons, so that the best value might be obtained not only from the expenditure of the money, but from the accumulated experience of those who would be engaged in the work.

MR. McKENNA said it had always been their object to establish a medical branch for the purpose of guiding local authorities in the new work they would have to undertake. The formation of that branch had been occupying the attention of the Board for some time. Their duties would be obviously to collect information and to give such instructions to the local authorities as would enable them to carry out the duties which were imposed upon them.

Question put, and negatived.

*SIR PHILIP MAGNUS (London University) moved an Amendment to provide for instituting a system of periodic measurement of the children which would afford definite information on their physical condition and development. In the second part of Subsection (b) of Clause 13 there was a permissive power given to the local authority to make such arrangements as might be sanctioned by the Board of Education for attending to the health and physical condition of the children. He had considerable difficulty in understanding the meaning of the words "for attending to the health and physical condition of the children." He hoped the President of the Board of Education would give some indication of the exact meaning. Did they mean that the medical officer appointed should give advice to the children, or the parents of the children, and, further, would he be permitted to supply medical treatment to the children? The words of his Amendment would enlarge the powers of the local authority, but they were purely permissive; if the local authority did not care to undertake the work, no obligation would be cast upon them. It had been pointed out at a meeting of the British Association and at the Hygiene Congress that very great advantage would be derived by the nation, by the individual children, and by their parents, if these measurements were taken periodically. They were the very best means of ascertaining whether any physical deterioration had taken place. He wished to draw attention to a very important Report which had been presented to the Glasgow School Board by Dr. Leslie Mackenzie and Captain Foster, and issued by the Board of Education of Scotland. From that it appeared that the facilities now asked for in England already existed in Scotland. The results arrived at in the report were almost startling. They showed that the weight, height, and physical condition of the children depended absolutely on the home surroundings in which they were brought up. For instance, the average weight of a boy who lived in a family occupying one room was 52·6 lbs.; if he were one of a family living in two rooms he weighed 56·1 lbs.; if he were one of a family living in three rooms he weighed 60·6 lbs.; and a boy from a four or more roomed house weighed 64·31 lbs. The cost of these measurements would not be very great, and Dr. Leslie Mackenzie said that the teachers in the school took a lively interest in the measurements, and showed how they could be made by the ordinary teachers under the guidance of the medical inspectors. Last week a joint meeting of the Anthropological and Educational School Sections of the British Association adopted a resolution urging on the Government the pressing necessity of instituting in connection with the medical inspection of school children a system of periodical measurements. As this matter was under the consideration of the House for the first time, he hoped they would deal with it in a comprehensive manner. He begged to move.

MR. LEHMANN (Leicestershire, Market Harborough) seconded the Amendment.

Amendment proposed—

"In page 5, line 33, after the word 'schools' to insert the words 'and for instituting a system of periodic measurement of the children which will afford definite information on their physical condition and development.'"—(*Sir Philip Magnus.*)

Question proposed, "That those words be there inserted."

*Sir W. J. COLLINS (St. Pancras, W.) said that the hon. Member for London University had come back fresh from the British Association meeting imbued with ideas of a more scientific but less practical character than those which had engaged the attention of the members of the School Hygiene Congress which he (Sir William Collins) and the hon. Baronet the Member for Wigan had been attending. The latter Congress directed their attention to the practical work of the inspection of the school children rather than to the scientific investigation suggested by the British Association. What they had to consider were the practical needs of the children as ascertained by medical inspection rather than embark upon the scientific investigations advocated by the hon. Member. It should be remembered that 7 to 20 per cent. of the children suffered from ocular defects, which required treatment before they could gain the full benefit of their education, and 44,000 out of 199,000 children examined were found to have verminous or otherwise offensive heads. He believed that the practical way of dealing with the problem of these children would form a very good basis out of which the scientific investigations advocated by the hon. Member might incidentally arise. But the work must be approached tactfully and in a considerate and not a compulsory way, and the medical man must be a guide, philosopher, and friend, rather than a mere collector of statistics.

Mr BUTCHER (Cambridge University) agreed with the hon. Gentleman who had just spoken that the primary object of this clause was not to arrive at scientific results, but to attain truly practical ends with regard to the children, and all he would ask the House was not to throw away the valuable results of this inspection, which, he hoped, would assist other scientific purposes. He ventured to hope that this clause, which at present was, he thought, very timid and very tentative, should be made more complete and more thorough going. He did not believe that by accepting the Amendment that had just been proposed anything whatever would be done to make medical inspection less effective. He thought quite the reverse, because medical inspection, which was very sketchily marked in this clause as it stood, would probably be more thorough-going if it were understood from the first that the results of the inspection were to be recorded systematically on a uniform plan for all parts of the country. There were three things, as he understood, which this clause proposed to do. First of all, there were compulsory powers for medical inspection, when a child first went to school. Next, there were compulsory powers for what he might call periodical inspection, and he was exceedingly glad that the Government had added powers of that kind, because he thought that inspection if not so conducted from the beginning to the end of the course would be very imperfect. Thirdly, there were optional powers for what was called attending to the health and physical condition of the children. In Committee upstairs it was explained that attending to the health of the children meant, or at least included, medical treatment for minor ailments. It did not mean what the words meant when originally introduced by an Amendment by the hon. Member for Berkwickshire, he thought in July, 1906. The words, as they had been told in Committee upstairs, now included medical treatment for all minor ailments. That was optional. He would pass on to the words which were the essential part of the Amendment. They might surely fairly add an optional power to the local authority of making scientific records. Personally he thought the whole clause ought to have been much more thorough and comprehensive in its character, and that it ought to have been more what the hon. gentleman the Member for Glasgow indicated in his speech—a thorough medical inspection followed by scientific records and accompanied by financial provisions which were absent from this clause. A subvention from the Treasury, he believed, was absolutely necessary in order to make the whole of this clause carry out its original purpose. He would only add in favour of the Amendment that what they wanted was not merely to attend to the minor ailments of the individual children at school, but to arrive at some scientific basis of knowledge as regarded the laws of health affecting populations in large towns, and to get some scientific data which would enable them to know something about what was called physical degeneration, and all those other questions which concerned the health of the people, as to which they were at present working in the dark. He admitted that the Amendment would require financial assistance from the Treasury in order to make it thorough and useful, but if inserted as something to be striven after it would be a very great gain and would in no way detract from the immediate primary purpose of looking after the individual children.

MR. McKENNA said he had listened to the speeches of the hon. Members, and he thought the existing words in the Bill appeared to cover every point that had been raised. He did not think the hon. Member who moved the Amendment would wish it to be understood that attending to the health and physical condition of the children would not afford information as to their physical development; if it did, the words were clearly covered by the Bill as it stood, and if they were not he must remind the hon. Gentleman that it would be imposing a new burden on the rates; but he believed the Bill as it stood was sufficient for the purpose.

Amendment negatived.

MR. LANE-FOX moved an Amendment to provide that the cost of any treatment consequent upon the medical inspection should be charged against, and recovered from the parent as an expense under Section 2 of the Education (Provision of Meals) Act, 1906. He knew that he was laying himself open to the charge that he was not anxious to forward the medical inspection of children in elementary schools; but nothing could be further from the truth. He was anxious to make the inspection thoroughly effective, but what he wanted to ensure was that a man who was taking care of his own children should not be penalised by having to pay for the treatment of children whose parents were neglectful. They must remember that they were not there as philanthropists. They were, or, at any rate, they liked to think they were, business men; it was one of the pet delusions of every Member of Parliament to pretend, at any rate, that he took a business view of things. All he wanted to prevent was that those who took care of their children should not be penalised. What they ought to guard against if they could was a system springing up by which medical attendance, such as the parents ought to undertake themselves, would be undertaken at the public cost. In making that objection he was merely raising a point which was raised in connection with the Provision of Meals Bill last session, and he suggested that the remedy lay in the same direction. There was no doubt that a large number of the ailments from which children suffered, and which it was hoped to remedy by this clause, were the small ailments. He did not wish to prevent these being dealt with, and if dealt with on the spot they need not do harm. Therefore, if the Amendment he was moving could be improved by the addition of any such words as "conducted outside the precincts of the school," he would be very glad to accept it. Of course under this system what they would hope to see were village nurses employed to deal with small matters such as children arriving with dirty heads, which could be dealt with quickly. Very often the unhealthy condition of children in school was largely due to neglect, and therefore it would be manifestly wrong that some parents should be able to send their children, after being neglected at home, to be treated at school. What he wished to insist upon was that where a parent had deliberately neglected his children he should be in some way penalised. If any such words as he had suggested would be an improvement to his Amendment he would be very ready to accept them. Certainly it was not his desire to prevent proper medical inspection of children or that development which he was sure all thought to be so very desirable.

VISCOUNT TURNOUR seconded, and thought there was one point not yet mentioned, and that was the important effect which the Amendment would have in making parents more careful to avoid during the early life of children things occurring which retarded their physical development. He did not think there was any hardship in the method laid down in the Education (Provision of Meals) Bill as to the means by which the money could be obtained from parents. The duty of attending to the physique of their children was a duty which should be impressed on parents in the strongest possible way. No one would deny the importance of having medical inspection, or the value which statistics as to the physique of the elementary school children would have if published, and if they were as clear and lucid as statistics in other countries generally were. The Amendment in no way affected the principle of the clause, but really brought the clause, he thought, more into accord with the principles which Parliament had hitherto laid down in matters of this kind. He could not conceive any case in which it was more desirable to carry out the principles originally laid down in the Education (Provision of Meals) Bill, and he believed the Amendment would do a great deal to bring about what both sides of the House desired.

Amendment proposed—

"In page 5, line 33, at the end, to add the words, 'Provided that the cost of any treatment consequent upon the medical inspection shall be charged against and recovered from the parent as an expense under Section 2 of the Educaton (Provision of Meals) Act, 1906.'"—(*Mr. Lane-Fox.*)

Question proposed, "That those words be there inserted in the Bill."

MR. McKENNA said he regretted after much consideration of the proposed Amendment that he could not see his way to accept it. If the words suggested were adopted it would compel local authorities to make such a provision in every case. Under the circumstances of the case it was much more desirable to preserve a greater latitude. He asked the hon. Member not to press the Amendment, but to leave the matter in its present form, which was as fair as it could be.

SIR F. BANBURY said the Amendment provided that where parents could afford to pay they should be made to pay. So far as he could make out local authorities were not likely to provide very much medical inspection if they had to pay for it. Yet the opinion of the House was that there should be medical inspection. Certainly it was hard that the parent who looked after his children should have to pay for medical inspection which was necessary owing to the neglect of other parents who could afford to pay for their children but refused to do so. All hon. Members must know that there were a great many parents who did not do their duty in respect of the health of their children. He hoped that his hon. friend would go to a division on the Amendment.

*MR. REES (Montgomery Boroughs) submitted that while the medical inspection of children on their admission to schools was very proper, it was perfectly consistent with approving such inspection to lay it down that where a parent could afford to pay he should be made to pay for any treatment or inspection other than that at the time of admission into school. He could not see how hon. Members could otherwise argue at a time when the progressive increase in the rates so greatly neutralised the great advantage the country derived from free trade in the way of cheap food and clothing. The cheapness of these was almost counterbalanced by the dearness of lodging, and in rents, rates were, if not the dominant, at any rate, a dominating factor. In no other country was house rent so dear, he believed. He wished to urge that the proviso to this section should be compulsory instead of permissive. He had good reason to speak in favour of this Amendment, because it ran on the same lines as one which he himself had put on the Paper, but having urged his views in Committee he thought it would be waste of time to move it. It was at his instance and on his motion that the proviso had been added to the hon. Member for Scarborough's Bill, which he presumed would now be dropped, and it was he who had urged in the House that such an Amendment should be made to an identical clause in the Education Bill which passed the House last year. Such an Amendment was eventually made in another place, but of a permissive and not a compulsory character. He would like to see it made compulsory that parents should pay where they could, and that local bodies should avail themselves of existing organisations, before calling on the rates. He realised, however, that the House was against him.

SIR WILLIAM ANSON regretted very much that the right hon. Gentleman could not see his way to accept the Amendment or something like it—that was to say, the provision of any treatment outside school. He called attention to the extreme vagueness of the clause. In Committee the Parliamentary Secretary, when asked what was meant as an arrangement for the children, described a small hospital outside the school. He thought that the charge for treatment should operate on the parents of children who were treated. He agreed there would be some difficulty in arranging this, because it would be rather difficult to apportion the nurses' salaries in the charge on the parents concerned

MR. McKENNA assured the hon. Baronet that he had endeavoured with the greatest sincerity to find suitable words to carry out the object they had in view. He asked his hon. friend to withdraw his Amendment. He thought no other course was open to the House in order to attain the end they had in view but to accept the clause as it stood.

LORD ROBERT CECIL said he did not agree that the words as they stood in the Amendment could not be accepted. He saw no difficulty in working the proposal even in the extreme case of allocating the nurse's salary. He did not see what objection there was to carrying this out on the same principle as the provision of meals. He attached the greatest importance to the principle. He thought it very important to show to parents who did not fulfil their duty to their children that the children should be taken care of, but that the cost should be borne by the parents who should be made to pay. He knew that the vast majority of parents took proper care of their children, but on the other hand there were drunken and careless parents whom it was a scandal for the State to treat better than other people.

MR. McKENNA: The Bill does not do that. It empowers the local authority to make charges, and the local authority can make suitable arrangements for a particular district.

MR. WALTERS (Sheffield, Brightside) said the experience of local authorities who had appointed medical officers was that they called the attention of neglectful parents to their children to induce them if possible to give them the necessary attention. Children with drunken parents in some few cases did fall on the ratepayers, but surely the interests of the children were enough to justify this. He thought that in cases where there was a medical officer appointed it would be found that the benefits would in no way be abused.

*MR. BUTCHER said that this was one of the most important principles they had considered in Committee. It was very disappointing to hear from the President of the Board of Education that he could not devise any form of words to meet the urgent case set out, nor accept the words suggested by the hon. Baronet. The right hon. Gentleman said he could assure the hon. Baronet that his words were unsatisfactory, but no reason had been given to show why they were unsatisfactory. To his (Mr. Butcher's) mind they were eminently satisfactory—for this reason. There were a great many people who objected to having more serious medical treatment of children thrown on the rates when the parents of the children could afford to pay, but who at the same time did not object to paying for the services of a trained nurse to look after the minor ailments of children on the school premises. Such a case would be met by the suggested Amendment of the hon. Baronet. From experience in this country and elsewhere they knew there were many places where there was medical inspection out of public money. At the same time there were health-visitors or nurses, or whatever they might be called, whose function it was to look after the health of the children in the schools and who then advised the parents and often succeeded in inducing them to adopt the treatment recommended. That was the method he would have much preferred in the present instance. As it was, surely it was inconsistent to have laid down the principle in the Provision of Meals Bill that public money should not be given to provide even the necessaries of life for the children of parents who could afford to pay; and now to enact that public money should go towards providing what in some sense were merely the luxuries of life, such as a pair of spectacles. The precedent of the Provision of Meals Bill was one of the strongest arguments for the acceptance of this Amendment.

MR. COURTHOPE said he wished to reply to the speech of the hon. Gentleman who had spoken last on the opposite side of the House, a speech which he thought was exceedingly misleading. The hon. Member had said that local education authorities who had appointed medical officers had found that they were mostly employed in discovering the causes of illness and pointing them out to parents. But he would like to draw his attention to the wording of the Amendment, which was not designed for the medical inspection, but for the treatment consequent on medical inspection. They were informed in the Grand Committee, on behalf of the Government, that the kind of treatment that was expected was the washing of children's dirty heads, and the treatment of small sores and wounds. He wished to add his protest there, as in the Grand Committee, against the parent who looked after his child properly being compelled to contribute towards the treatment in the school of the child of the neglectful parent. It was quite a wrong principle. It was surely right that some burden should be placed on the mother who neglected her child rather than that the burden and disadvantage should fall on the mother who treated her child properly and looked after it. He rather gathered, from the way his remarks were received in Grand Committee, that the Government intended to give careful attention to this matter. He accepted the assurance of the right hon. Gentleman that he had done so, but he must express his regret that the result had been so small—in fact there had been no result. He was very glad to have had an opportunity of protesting in the House against the course the Government had pursued, and he hoped his hon. friend would go to a division.

Mr. WALTER LONG said he could understand the impatience of hon. Gentlemen below the gangway, who were obviously quite anxious that the Amendment should be rapidly disposed of. The Minister in charge of the Bill had told them that the Amendment would not have the desired effect, but he did not tell them why. The situation before the House was a perfectly simple one. Clause 2, as amended, would do what most of them wanted, and would do it most efficiently. What they wanted was that where this medical treatment, consequent on the inspection, took place outside the school they should not take advantage of this proposal by a side wind to cast the cost on the rates. If the Amendment was not inserted the cost would have to be met out of the rates. This was the only method they had of protesting, and he trusted his hon. friend would press the Amendment to a division.

*Mr. ALDEN (Middlesex, Tottenham) trusted the right hon. Gentleman would not change his mind. A good many Members who had spoken in support of the Amendment evidently had very little knowledge of the poor at all. He knew something about them, having lived amongst them a good many years. He believed a lot of the diseases of the poor which were complained of were due to the ignorance and poverty of the poor, and not to their carelessness and neglect. It would be almost impossible to discriminate between the cases due to wilful neglect and those due to ignorance. He hoped the Advisory Medical Board would act as generously as possible in laying down regulations for the guidance of medical authorities. He believed that if the Amendment were adopted all the parents would be immediately turned against medical inspection. What they wanted to do was to popularise the idea of medical inspection and of medical treatment. He trusted the right hon. Gentleman would stand firm in the matter.

Mr. LANE-FOX asked leave to amend his Amendment so that it should read:—"Provided that the cost of any treatment conducted outside the precincts of the school, and consequent upon the medical inspection, etc." The remarks of the last speaker only bore out what he had said in moving the Amendment, that Members who supported him were liable to misrepresentation. He did not say the hon. Member had made that statement intentionally. They had no wish in any way to interfere with the medical inspection of the child, but they merely desired that those who had neglected their children should pay for them.

Mr. COURTHOPE seconded the Amendment.

Proposed Amendment amended by inserting after the word "treatment," the words—

"conducted outside the precincts of the schools, and"—(*Mr. Lane-Fox.*)

Question put, "That those words, as amended, be there inserted in the Bill."

The House divided:—Ayes, 39; Noes, 149. (Division List No. 408.)

AYES.

Acland-Hood, Rt. Hn Sir Alex. F.
Anson, Sir William Reynell
Arkwright, John Stanhope
Banbury, Sir Frederick George
Banner, John S. Harmood-
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Bull, Sir William James
Butcher, Samuel Henry
Carlile, E. Hildred
Castlereagh, Viscount
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone, E.)
Chance, Frederick William
Corbett, T. L. (Down, North)
Courthope, G. Loyd
Douglas, Rt. Hon. A. Akers-
Fell, Arthur
Forster, Henry William
Gibbs, G. A. (Bristol, West)
Gordon, J.
Gretton, John
Harrison-Broadley, H. B.
Helmsley, Viscount
Hills, J. W.
Hunt, Rowland
Long, Rt. Hon Walter (Dublin, S.)
Magnus, Sir Philip
Morpeth, Viscount
Powell, Sir Francis Sharp
Rawlinson, John Frederick Peel
Ronaldshay, Earl of
Scott, Sir S. (Marylebone, W.)
Talbot, Lord E. (Chichester)
Turnour, Viscount
Valentia, Viscount
Walker, Col. W. H. (Lancashire

TELLERS FOR THE AYES—Mr. Lane-Fox and Mr. Hicks-Beach.

NOES.

Acland, Francis Dyke
Adkins, W. Ryland D.
Ainsworth, John Stirling
Alden, Percy
Asquith, Rt. Hon. Herbert Henry
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Beauchamp, E.
Beaumont, Hon. Hubert
Beck, A. Cecil
Benn, W. (T'w'r Hamlets, S Geo.
Berridge, T. H. D.
Bertram, Julius
Birrell, Rt. Hon. Augustine
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Cleland, J. W.
Clough, William
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Cooper, G. J.
Corbett, C H (Sussex, E. Grinst'd)
Dalziel, James Henry
Davies, W. Howell (Bristol, S.)
Dickinson, W. H. (St. Pancras, N)
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Sir Francis (Radnor)
Essex, R. W.
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Fuller, John Michael F.
Fullerton, Hugh
Gladstone, Rt. Hn. Herbert John
Goddard, Daniel Ford
Grant, Corrie
Grey, Rt. Hon. Sir Edward
Haldane, Rt. Hon. Richard B.
Hall, Frederick
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harvey, A. G. C. (Rochdale)
Harwood, George
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Johnson, John (Gateshead)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire)
Jowett, F. W.
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lambert, George
Lamont, Norman
Lea, Hugh Cecil (St. Pancras, E.)
Leese, Sir Joseph F. (Accrington)
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Macdonald, J. R. (Leicester)
Mackarness, Frederic C.
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah (Down, S.)
M'Kenna, Rt. Hon. Reginald
M'Killop, W.
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Montgomery, H. G.
Morrell, Philip
Morse, L. L.
Nicholls, George
Nicholson, Charles N (Doncast'r)
Norton, Capt. Cecil William
O'Donnell, C. J. (Walworth)
Paulton, James Mellor
Pearce, Robert (Staffs., Leek)
Philipps, Owen C. (Pembroke)
Pollard, Dr.
Price, C. E. (Edinburgh, Central)
Radford, G. H.
Rainy, A. Rolland
Rea, Walter Russell (Scarboro')
Rendall, Athelstan
Richards, Thomas (W. Monm'th)
Richards, T. F. (Wolverh'mpt'n)
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Roberts, John H. (Denbighs.)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Rogers, F. E. Newman
Rowlands, J.
Runciman, Walter
Samuel, Herbert L. (Cleveland)
Scott, A. H. (Ashton-under-Lyne
Seely, Colonel
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Stanger, H. Y.
Stanley, Hn. A. Lyulph (Chesh)
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Sutherland, J. E.
Taylor, John W. (Durham)
Ure, Alexander
Walters, John Tudor
Warner, Thomas Courtenay T.
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, George (Norfolk)
White, Luke (York, E. R.)

Whitley, John Henry (Halifax)
Wiles, Thomas
Wills, Arthur Walters
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Yoxall, James Henry

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

Amendment proposed—

"In page 5, line 37, at end, to add, '(2) This section shall come into operation on the first day of January, nineteen hundred and eight.'"—(*Mr. McKenna.*)

Question, "That those words be there added," put, and agreed to.

Amendment proposed—

"In Schedule, page 7, line 27, at the end, to insert—

"2 Edw.7, c. 42.	The Education Act, 1902.	The words 'ordinarily resident in the area of the Council,' in sub section two of section twenty-three.'"

—(*Mr. McKenna*)

Question, "That those words be there added," put, and agreed to.

Bill read the third time and passed.

QUALIFICATION OF WOMEN (COUNTY AND BOROUGH COUNCILS) BILL [LORDS].

Order for Second Reading read.

*The PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. JOHN BURNS, Battersea) moved the Second Reading of this Bill, the object of which, he said, was to remove the disqualification of women from sitting on public bodies for which they were entitled to vote. The Bill enabled women, who were otherwise qualified, to sit on county and borough councils, and, if selected, as chairman of those bodies. It, however, did not entitle them to be Justices of the Peace by virtue of any such office. The House knew that women could be members and chairmen of parish councils, urban councils, and rural district councils or boards of guardians, and they could also vote for those bodies. Outside London, single women could vote for but not sit upon county councils or borough councils; married women could not vote and consequently could not sit. With regard to London Borough Councils, single women could vote but not sit by virtue of the Local Government Act of 1899, and for the London County Council single women could also vote but not sit. This Bill proposed that women should have the right to sit on provincial borough councils, Metropolitan borough councils, and county councils. But in establishing their right to this, the Bill proposed that they should not be Justices of the Peace by virtue of their being chairmen of borough or county councils. In this the precedent of Section 22 of the Local Government Act of 1894 was followed. The House of Lords had altered the Bill so as to exclude women from being chairmen of county councils or mayors of boroughs. The Government proposed to disagree with the Lords' Amendment. This Bill raised no new question of franchise. If it did he ventured to say that the Bill would be most probably rejected for this session. It removed a disability that had recently been imposed upon women who were able to be elected for school boards. The Bill re-established that right which had been taken away. It removed doubts in one or two other matters, and he asked the House to give it a Second Reading. At this moment there were something like 2,000 women members of various urban, rural, and parish councils, and boards of guardians. There were 615 co-opted women members on education committees, and a few on distress committees, whilst others were members of governing bodies of polytechnics. As the law now stood, however, women could not be members of 320 town councils of provincial boroughs, of 29 Metropolitan borough councils, and of 62 county councils. The Bill, without approaching the question of a new franchise, without raising a number of questions which at that time of the session and that hour of the night could not be embarked upon, extended to women a useful sphere of local government for which they were thoroughly qualified, and in which many had done good service for their fellows, the community, and the State, and he appealed to the House to confine the Bill to its present provisions and to give it a Second Reading.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. WALTER LONG said he was himself in favour of the extension to women of privileges they already enjoyed in a small portion of our local government, and of their being enabled to take that part in local affairs which their knowledge qualified them to take with advantage to the community and to their own credit. But he was surprised to hear that the Government were not satisfied with the form in which the Bill had come down to this House, because he did not think they would seriously quarrel with a decision which only seemed to take a common-sense view of the situation, namely, that women should not be qualified to sit as mayors of boroughs or as chairmen of urban district councils.

MR. JOHN BURNS: Women can now be chairmen of parish, rural, or urban district councils, or boards of guardians.

MR. WALTER LONG said that in that case the only effect of the proposal would be to extend the right of women to act as chairmen of county councils. [Several HON. MEMBERS: And borough councils]. He was not aware that there had been a case of a woman being elected as chairman of an urban council or board of guardians, but he could not help thinking it was undesirable that that particular privilege should be extended to them. He thought they ought to be members of these local bodies, because in all local government their special knowledge and experience were of very great value. He was rather surprised that the Bill did not extend to Ireland, because in this particular respect the local authorities in Ireland differed in no way from the local authorities in the rest of the United Kingdom, and he hoped that when the Bill got into Committee Amendments might be proposed to extend whatever privileges the House decided to grant to women, whether they were members of English, Irish, or Welsh local bodies. Subject to revision in the way he had suggested, he would be prepared to support the passage of this Bill.

MR. HARMOOD-BANNER moved the rejection of the Bill. He said that he did so for the very good reason that he had been ten years a member of a city council, and he considered that a more inappropriate proposal than that women should sit on such councils and take part in their deliberations was never brought before the House. It was quite possible that it should be appropriate in the case of small rural or parish councils, but where there were large councils like that in the City of Liverpool—with 120 members—quite as many as sat during many of the discussions in the House of Commons he did not think it was at all a proper thing to include women amongst the members. [AN HON. MEMBER: Why?] For this reason: in the first place, the subjects discussed in a large council were with very few exceptions quite outside the scope of the work women could undertake. For instance, what had women to do with electric light, gas works, finance, the management of horses, tramways, and other similar work, which was essentially men's work? It was perfectly correct to say that the co-optation of women on certain committees had been most valuable, and he would like to see the principle of co-optation extended. Women had done very good work for education. If they were co-opted on health committees and on bodies dealing with hospitals they would doubtless do work that would be very beneficial, but that they should take part in the work of large councils he could not consider right. If once they were admitted to city councils there was no doubt what would follow. They would come to Parliament. At once he would say he was in favour of women having the vote. The vote was a proper thing to give them. He had given every assistance he could to support the cause of women's votes. He had no dislike to women's having votes, but only to their sitting and talking on a city council. Would it be nice, for instance, for women to sit there in Parliament and take part in that roar of laughter which had just been sent up? He would ask hon. Members to consider whether the empty benches in the House that night showed that there was any such demand for this concession to women as was indicated by the fulness of the benches when there was to be a discussion on the propriety of giving women the vote? When the question arose of giving women the vote the whole House was in a state of excitement; but the provision then before hon.

Members was merely a sop to Cerberus, because women had kept guard in Cavendish Square outside the house of the Chancellor of the Exchequer, because they had caused great rows and troubles in Downing Street, and because they had required the services of the police outside the Houses of Parliament when demanding votes. It was now supposed that this Bill was going to give to women that sop which would content them. He would have thought that the President of the Local Government Board would have given an option to large city councils like that of Liverpool to adopt the principle of the inclusion of women if they thought fit. All those who had sat in such councils would know the work there was oftentimes of keeping order. It did not matter whether the council was that of Liverpool or Manchester or anywhere else. It would be most inappropriate for women to take part in those yells of laughter which sometimes arose in the House of Commons, and which they would certainly hear in city councils. [AN HON. MEMBER: Only in Liverpool.] No, Liverpool showed an example of the best civic work. He did not think it was either right or proper to put women on city councils. He could not understand the President of the Local Government Board, with his experience of municipal councils, asking city councils to take this on their shoulders: and, added to that, the possibility of women becoming mayors or chairmen of county councils was a greater wonder to him still. Let them imagine a lady taking the position of a mayor of a city council! [AN HON. MEMBER: Why not?] Because she could not enforce order there. It would be most inappropriate. It was absolutely inappropriate that women should take part in the various questions that came up at a city council meeting, and he regarded it as an insult to the big city councils that such a proposal should have been brought forward. He hoped that before the Bill got to Committee the right hon. Gentleman would give to big city councils the option of adopting the principle or not as they thought fit. By all means let them give women votes, but hon. Members would agree it was inappropriate that women should sit in the House alongside hon. Members. Equally women would certainly not be in their proper place in city councils. Let women be put on health committees and on hospital boards, but let them not enter city councils upon which neither their counsel, their advice, nor their assistance was sought.

Mr. Harmood-Banner.

MR. DUNN (Cornwall, Camborne) wished to call attention to a provision in the Bill which he very much regretted. He thanked the President of the Local Government Board for the way in which he had introduced the measure, but he doubted whether the right hon. Gentleman realised how far the Bill would go, or rather how far it did not go. The objection which he had to the Bill was that it did not qualify married women to sit on councils. He would not like, at that late hour, to enter into an argument to show that this was so. Though he would support the Second Reading of the Bill he hoped an opportunity would be given to amend this defect in Committee. Of all classes of women it was the married woman with broad sympathies who could best help forward the municipal work of borough and city councils. He cordially supported the Second Reading, and he hoped that the defect he had pointed out would be remedied.

MR. HILLS (Durham) asked whether, if the Bill passed, a woman would be able to become Lord Mayor of London and could she sit on a county council.

MR. JOHN BURNS: A woman may sit on a county council under this Bill. I doubt very much whether a woman will ever be Lord Mayor of London.

VISCOUNT HELMSLEY said he would like to support his hon. friend in objecting to the Bill. One of his reasons was that he very strongly opposed the Parliamentary franchise or anything approaching it being given to women. This, he considered, would be one of the first steps on the downward path to female suffrage. As women had the vote already for borough and county councils the time had come when they would be qualified to sit on them. He could not help thinking that it was a great mistake to qualify women in this way. He agreed that women could give very useful service in certain local matters. No doubt the service which they had rendered to the school boards was of very great value, and the service they rendered on education committees at the present time was equally good. They might do good work respecting lunatic asylums, the Midwives' Act, and other matters, and he could not see why a Bill should not be introduced to extend power to co-opt women instead of allowing them to sit on councils. To do so was to put men and women in an unfair position, respectively: they might be placed face to face as contestants in an election. It was all very well to say that women already served on boards of guardians and parish councils. Everyone knew that the larger the body to which an election was being made, the greater the keenness and the rivalry that attached to the election. Very often elections to county councils were fought with great vigour, and he thought in some parts of the country it would be an unfair thing to ask women to stand for those bodies, whereas a man would not care to do things he might otherwise do in opposing a woman for the position. The suggestion in the Bill had the double disadvantage of putting women in a sphere for which they were not fitted, and of causing men to oppose women in a conflict which was not suitable. He believed it was not the function of women to take part in the rough and tumble of politics. It was inevitable, if they were to be allowed to sit on borough and city councils, that the time would come when they would be not only qualified to vote for Parliament but to sit in the House itself. The proposition that they should sit in the House seemed to be a *reductio ad absurdum.* It was a ridiculous and degrading proposal that women should sit in that Assembly; to no one more degrading than to the women themselves. Surely it was for men to govern the country of which they were citizens. The proposal that women should sit on borough and county councils seemed to him to divide the sexes into two hostile camps. It would not restore prestige to the House of Commons as the Prime Minister said so frankly he was going to do. That the Bill should be introduced for a Second Reading at that time of the year, and at that hour of the morning, he thought indicated a want of courtesy to the House.

Mr. S. T. EVANS Glamorganshire, (Mid.) said that at that late hour it was quite obvious they could not adequately discuss the Second Reading of a measure of that character, without trespassing, as they had no right to do, on the patience of hon. Members. He regarded the Bill as a great step in the direction of giving women the vote. A great many Members of the House would probably vote for the Bill in the hope of hedging on the question of woman suffrage. With regard to the general question, he thought that in giving women the right of election and by placing on them the duty of becoming candidates for big bodies like the county councils, they were going much beyond all they had already done. It was quite true that women had done useful work as members of boards of guardians and of education committees—work properly within their sphere—but the House was now proceeding to give them the right to be elected. They could not be elected without coming down into the arena of conflict. The great local bodies were, after all, the nearest approach to Parliament, and he could not understand what argument his hon. friends would be able to bring forward to prevent women coming into Parliament afterwards, if they were given the right to sit upon these bodies. The work of the county councils was very important; to a very large extent it was administrative, but it was also largely legislative in its character, as they framed by-laws in various directions, and it was well-known that these large public bodies were being intrusted with greater and greater powers every year by Parliament. Whenever anything had to be done, the county councils and the borough councils had to do it. Holding views that he did in regard to women taking part in public affairs, he regretted that the Government were asking the House to give a Second Reading to this Bill at 1.30 in the morning on August 13th. He did not think it was treating the supporters of the Government properly to waste time on this Bill, when they might be doing something much more important. The Government had not the courage of their convictions in the matter. He could not understand why women should not be Justices of the Peace. There was no heated conflict in such work, and they would be there simply as Judges. If they were fitted by nature and training in every other way, either to be lady mayors or mayoresses, or chairmen or chairwomen—whatever they would be called—of county councils, what reason was there for saying that they were not fitted to be Justices of the Peace? The right hon. Gentleman gave as his reason for this the precedent under some Act of 1894, but he had never heard such a reason from a man of the robust intellect of the right hon. Gentleman. Someone had said that old precedents were made to be trampled on. The reason which lay at the bottom of the Bill was that there had been an agitation for the Parliamentary franchise. The Government said they would not let women sit in the House, but they would go as far as they could, and admit women to sit on the next biggest public body in the country, the county council. He saw no distinction at all, except in degree, between the cases. Therefore, holding the views he did, if this Bill proceeded to a division, he would certainly have the courage of his conviction, and vote against the Second Reading.

VISCOUNT TURNOUR said that the House in voting for this measure would be practically voting for female suffrage. The Bill was only introduced with the object of attempting to delay for some time the agitation that had been gradually gathering against the Government on the part of the suffragettes. If he might follow a distinguished example, he would like to put certain questions to the Government. First question: Are you in favour of female suffrage? Second: Would you introduce that suffrage on the same footing and basis as male suffrage? Third: Will you introduce it next session? And fourth, Will you allow women a seat in this House? All these questions were very germane to the agitation on this Bill, and if they were to read it a second time that night they ought to know what the Government's intentions were, not only as regarded women's *status* on local bodies, but as regarded Imperial Parliament also. It was ludicious to contend that the Bill could be considered apart from female suffrage and the question of women sitting in the House. It was very undesirable that such a Bill should be discussed at that late hour, and at that advanced period of the session. He would have thought that this Government would have been the last to introduce such a Bill at this time, having regard to the statements made by the Prime Minister and others at the general election, and in the country, to the effect that they were going to restore to Parliament the dignity which it formerly possessed. Was it treating Parliament properly to introduce at that period of the Session a Bill of this sweeping character, which they knew very well would not be passed, and was only, as had been said earlier in the evening, a sop to Cerberus, and would only prevent, for a very short time, the agitation of the suffragettes from being carried on?

MR. LEIF JONES: Is that why the House of Lords passed the Bill?

VISCOUNT TURNOUR replied that he did not know. He could not speak for the House of Lords. He was, however, well aware that the House of Lords passed the Bill, and he would have thought that that would be just the reason why the Government would not pass it at that hour of the morning. He did not know why they should sit till 1.30 o'clock in the morning on August 13th to register the decrees of the House of Lords. Hon. Gentlemen below the gangway had found themselves wrong in their calculations on several occasions during the last few months, but they had never been more wrong than now, when they were hoping by this Bill to propitiate the suffragettes. To make some slight protest against the way the Government had treated the House, he moved that the debate be now adjourned.

MR. ARTHUR HENDERSON said he rather welcomed the introduction of the measure, and he would welcome it more strongly were he convinced that it was going to do that which it first conveyed to the mind of the House. He wished to ask the right hon. Gentleman whether, if the Bill passed as it had been introduced, one married woman outside of London would be able to sit on either a county or borough council?

MR. JOHN BURNS: No.

MR. MARKHAM (Nottinghamshire, Mansfield) said the hon. Member for Liverpool seemed entirely to lose sight of the fact that he was sent to the House by his constituents, and also to the city council. If these constituents chose to send women to sit on the council, it was not the Liverpool City Council who would decide the question, but the electors of Liverpool city themselves. He therefore hoped the Government would keep a stiff back, and that his right hon. friend would not only pass the Bill, but that they would give full privileges to all married women.

*DR. SHIPMAN (Northampton) said he would like, as one who had charge of a similar measure in the last Parliament, to correct one or two misapprehensions. One speaker on the Opposition side seemed to think that this subject was inextricably mixed up with the franchise question. It was absolutely distinct from it. Those who supported this Bill supported it because they believed it was for the benefit of the country that women should undertake administrative work. There were many who voted for the last Bill in the last Parliament who were quite as strongly opposed as the noble Lord to women having the franchise, and he had almost as many supporters from the Unionist side as from the Liberal side. Again, those who were working-up, if he might use the term, the enthusiasm in the country necessary to carry this Bill had nothing whatever to do with those who were working on what were called suffrage lines. The reason was that this Bill represented an older form of thought than that which would give the vote to women at Parliamentary elections. A body of women had been working to achieve that which this Bill proposed. They had seen the absolute necessity of enlisting the interest of women in local government work. Notwithstanding that they had been urged to take extreme steps, they had worked to this end with patience and confidence. Objection had been made to the Bill because it did not allow married women to sit on the councils. It did allow, as had been pointed out, married women to sit on the London County Council and on the metropolitan borough councils; but there was a Bill on the stocks, so to speak, to remedy the defect complained of. The reason there had been no provision to allow married women to sit on the county councils had been the difficulty of getting this Bill through the other House. Some of them thought they would like a Bill which would establish the great principle that women should be directly elected to serve on the county councils, and that they should not suffer from the patronising condescension of men to co-opt them. That was one of the two principles they wanted to establish, and they congratulated the Government on having had the good sense and good taste to bring the matter before Parliament this session even though it was rather late. They had established the principle, and they were determined that married women should be brought within it, but not necessarily in this Bill. [Several HON. MEMBERS: Why not?] It could be done by another Bill, on the same lines as the Bill of 1900, which enabled married women to serve on the London County Council. That was logical and created no anomaly whatever, and he would say to the hon. Member who described this as a leap in the dark that hon. Members knew perfectly well that ladies though, as it happened, without legal rights sat on the London County Council and did most excellent work on sixteen committees, and for years the London County Council had petitioned Parliament to give them the legal right. The Government intended to amend the Bill so that women could be lord mayors or mayors, and chairmen of county councils Women had done magnificent work. They had in every field of intellectual activity held their own with men, and in many cases beaten them. He thought an hon. Member opposite rather suggested in speaking of the electric light that in the dry field of mathematics or science they would not be able to hold their own. They knew, however, that a man had had to give way to a lady as Senior Wrangler. In every possible direction, women would be found holding their own, and they would be a restraining influence on the disorderly meetings such as the hon. Member opposite pictured in the Liverpool council chamber.

MR. BRIDGEMAN said he was rather disappointed at the attitude of the President of the Local Government Board on this question. So far as he understood the answer the right hon. Gentleman gave to the question addressed to him by the hon. Member for Barnard Castle, it was that the Bill would not allow any married woman to sit on any county council or borough council outside London. That took away in his view a great deal of the attraction of the Bill. Certainly it was a great disappointment to him, and he could not understand how the Government could make a point of altering the Bill in order to allow women to become mayors and chairmen of councils, and yet refuse to allow them to be elected to county councils all over the country. It seemed to him that if the Bill was to go on in that form it was hardly worth supporting, and he appealed to the right hon. Gentleman, and he believed that a large number of Members agreed with him, to alter the Bill in the direction he had mentioned.

MR. HICKS BEACH thought the right hon. Gentleman might give some explanation on the point raised by his hon. friend, whether it was the intention of the Government to delete the proviso that women should not be elected as chairmen of county councils or mayors of boroughs. The right hon. Gentleman had told them that the Government proposed to delete it because women were now eligible to become chairmen of boards of guardians and district councils, but he had not given one instance in which that prerogative had been exercised. Under this Bill a woman might become mayor of a town and *ex-officio* she would be the chief magistrate of that town. [AN HON. MEMBER: Why not?"]

MR. JOHN BURNS said there was a proviso against that.

MR. HICKS BEACH said he was glad to have that announcement from the Government, but he still wished to have some definite reason why ladies should become chairmen of city or borough councils at all. He could not imagine anything more inappropriate than that a woman should be asked to preside over a meeting of a great county council, city council, or borough council. His hon. friend below him had given a harrowing picture of what went on in the Liverpool council chamber, and he left the House to imagine what would be the position of a woman who had to preside over such a council. He thought the Government might give some better reason for their decision regarding the proviso, and unless they did so he would support his hon. friend.

MR. RAWLINSON asked whether by deleting the proviso a woman would be eligible as a county magistrate?

MR. JOHN BURNS: No.

MR. RAWLINSON asked the Government whether they considered it was right to bring such a Bill, which at its best was of a piecemeal character, before the House. They knew now that it was engineered with the intention of carrying it by degrees further and further. That was bad enough when confined to a private Member, but when the Government took up a Bill of this kind it was not the right way to deal with a question.

Question put, "That the Bill be now read a second time."

The House divided:—Ayes, 132; Noes, 13. (Division List No. 409.)

AYES.

Acland, Francis Dyke
Adkins, W. Ryland D.
Ainsworth, John Stirling
Alden, Percy
Allen, A. Acland (Christchurch)
Asquith, Rt. Hn. Herbert Henry
Baring, Godfrey (Isle of Wight)
Beauchamp, E.
Beaumont, Hon. Hubert
Beck, A. Cecil
Benn, W. (T'w'r Hamlets, S. Geo.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Bridgeman, W. Clive
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Cecil, Lord R. (Marylebone, E.)
Chance, Frederick William
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Cleland, J. W.
Clough, William
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Collins, Sir W. J. (S. Pancras, W.
Cooper, G. J.
Corbett, C H (Sussex, E. Grinst'd
Corbett, T. L. (Down, North)
Courthope, G. Loyd
Craig, Herbert J. (Tynemouth
Davies, W. Howell (Bristol, S.)
Dickinson, W. H. (St. Pancras, N.
Duncan, C (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Sir Francis (Radnor)
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Fuller, John Michael F.
Fullerton, Hugh
Goddard, Daniel Ford
Grant, Corrie
Hall, Frederick
Harmsworth, Cecil B. (Worc'r)
Harvey, A. G. C. (Rochdale)
Haworth, Arthur A.
Hedges, A. Paget
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hills, J. W.

Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hunt, Rowland
Hyde, Clarendon
Isaacs, Rufus Daniel
Johnson, John (Gateshead)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Jowett, F. W.
Kelley, George
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamont, Norman
Lane-Fox, G. R.
Lea, Hugh Cecil (St. Pancras, E.
Levy, Sir Maurice
Lewis, John Herbert
Lupton, Arnold
Lyell, Charles Henry
Macdonald, J. R. (Leicester)
Mackarness, Frederic C.
Macnamara, Dr. Thomas J.
M'Killop, W.
Maddison, Frederick
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marnham, F. J.
Micklem, Nathaniel
Morrell, Philip
Nicholls, George
Nicholson, Charles N. (Doncast'r
Norton, Capt. Cecil William
O'Donnell, C. J. (Walworth)
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pease, Herbert Pike (Darlingon
Philipps, Owen C. (Pembroke)
Pollard, Dr.
Radford, G. H.
Rendall, Athelstan
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mpt'n
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Rogers, F. E. Newman
Rowlands, J.
Runciman, Walter
Samuel, Herbert L. (Cleveland)
Scott, A. H. (Ashton under Lyne
Seely, Colonel
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Stanger, H. Y.
Stanley, Hn. A. Lyulph (Chesh.
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Summerbell, T.
Sutherland, J. E.
Taylor, John W. (Durham)
Ure, Alexander
Walters, John Tudor
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, George (Norfolk)
White, Luke (York, E. R.)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wills, Arthur Walters
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)

Tellers for the Ayes—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood, Rt. Hn Sir Alex. F.
Beach, Hn. Michael Hugh Hicks
Castlereagh, Viscount
Cecil, Evelyn (Aston Manor)
Evans, Samuel T.
Gibbs, G. A. (Bristol, West)
Gordon, J.
Gretton, John
MacVeagh, Jeremiah (Down, S.)
Rawlinson, John Frederick Peel
Scott, Sir S. (Marylebone, W.)
Talbot, Lord E. (Chichester)
Turnour, Viscount

Tellers for tne Noes—Mr. Harmood-Banner and Viscount Helmsley.

Bill read a second time.

Bill committed to a Committee of the Whole House for to-morrow (Tuesday)."—(*Mr. John Burns.*)

QUALIFICATION OF WOMEN (COUNTY AND TOWN COUNCILS) (SCOTLAND) BILL [Lords].

Order for Second Reading read.

The SECRETARY for SCOTLAND (Mr. Sinclair), in moving the Second Reading, explained that the Bill was similar to that which had just been before the House, and provided similar privileges for the women of Scotland. It had been through the House of Lords.

Motion made, and Question proposed, "That the Bill be now read a second time."

Viscount HELMSLEY said he could not understand why a separate Bill was needed for Scotland unless there was some difference of which the House was not aware.

Mr. SINCLAIR replied that as the noble Lord was probably aware there was a different system of local government in Scotland from that in England and a different Bill was necessary to effect for Scottish women privileges similar to those granted to English women. He could go into a general disquisition on the subject but he did not think that it would serve the interests of hon. Members at that hour of the morning.

Viscount TURNOUR could see no reason for Parliament having been troubled with two Bills where one would have sufficed. He would not delay the House at that hour of the morning, but he would ask one question respecting Subsection (b) of Clause 1. Were the exclusions mentioned in that subsection precisely similar to those in the English Bill ?

Mr. SINCLAIR : Precisely the same.

Viscount TURNOUR said he was of opinion that if there was a Bill specially referring to Scotland, there ought to be a Bill particularly for Ireland. If the right hon. Gentleman would give an assurance that this Bill coincided in every respect with the English Bill he would say no more, but he certainly thought that the right hon. Gentleman would have expedited business if he had included the Scottish Bill in the English Bill and had inserted separate clauses where necessary. He congratulated the right hon. Gentleman on having brought forward a Bill which apparently had the approbation of nearly the whole House.

Question put, and agreed to.

Bill read a second time and committed to a Committee of the Whole House for to-morrow (Tuesday).

TRANSVAAL LOAN GUARANTEE.

Considered in Committee.

(In the Committee.)

Motion made, and Question proposed, "That it is expedient to authorise the Treasury to guarantee, on the security of the Consolidated Fund, the interest of a Loan to be raised by the Colony of the Transvaal, not exceeding in the aggregate an amount sufficient to raise five million pounds, and the principal of any such Loan by means of the guarantee of Sinking Fund payments, and also to guarantee the payment of any sums temporarily raised by the Colony of the Transvaal in anticipation of the Loan, with interest thereon."

SIR A. ACLAND-HOOD (Somerset, Wellington) said it was generally agreed that the main debate should take place on the Second Reading. Still he thought the House might have some statement from the Under-Secretary of State for the Colonies.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.) explained that it was not with any desire of concealing anything that he had not risen to speak. The question raised by the Bill was one of principle, not of detail. It was not a complicated measure. Although the Session was so far advanced the Government had decided to give up a sitting to the consideration of the question. He thought it would be convenient to bring the question forward on Monday next. This was to be done to suit the convenience of hon. members. As the Second Reading would be a more convenient stage he would not go into the merits of the Bill then The House was familiar with many of the arguments.

MR. HARMOOD-BANNER said it would be possible to issue stock at eighty which would be a guarantee for as much as six-and-a-half millions. The Committee ought to know whether they were to guarantee five millions or some larger sum.

MR. ASQUITH replied that the actual arrangement made with the Transvaal was that our liability should not exceed five million pounds worth of stock, no matter at what price it was raised.

VISCOUNT TURNOUR said that no one would quarrel with the reason the right hon. Gentleman had given for not discussing the matter at that stage. But would he tell them if the whole of the amount to be raised would be devoted to the matter which came under the Bill? Could the Chancellor of the Exchequer, between now and Monday, issue a Memorandum dealing with the question, and, as was the case with the Territorial Army Bill, distribute it with the Papers?

MR. ASQUITH said the Bill would be taken as the First Order on Monday, when the discussion could be continued until eleven o'clock if necessary. Papers had been printed, and would be issued on Tuesday or Wednesday.

SIR A. ACLAND-HOOD said he only raised the point because he felt that a loan of this great importance should not be passed without one word of discussion in the House, and he did not want the right hon. Gentleman to say, at two o'clock in the morning, that he had not had an opportunity of expressing his views.

Question put, and agreed to.

Resolution to be reported to-morrow (Tuesday).

Whereupon Mr. SPEAKER, pursuant to the Order of the House of the 26th day of July last, adjourned the House without Question put.

Adjourned at Four minutes after Two.

HOUSE OF LORDS.

Tuesday, 13*th August*, 1907.

HIGH COURT OF JUSTICE (KING'S BENCH DIVISION).

The King's answer to the Address of the 29th of July last, reported by the Lord Steward as follows:—"I have received your Address praying that, in pursuance of the eighteenth section of the Appellate Jurisdiction Act, 1876, an additional Judge may be appointed to the High Court of Justice in the King's Bench Division thereof, and I will issue directions in accordance with your desire."

PRIVATE BILL BUSINESS.

Alexandra (Newport and South Wales) Docks and Railways (Additional Capital, etc.) Bill. Reported, with Amendments.

Aberdeen Harbour Order Confirmation Bill [H.L.]; Dumbarton Burgh Order Confirmation Bill [H.L.]. Read 3^{a} (according to Order), and passed, and sent to the Commons.

Oxford and District Tramways Bill [H.L.]. Returned from the Commons agreed to, with Amendments: The said Amendments considered, and agreed to.

Petty Sessions Clerks (Ireland) Bill. Returned from the Commons with the Amendments agreed to.

Dumbarton Burgh and County Tramways Order Confirmation Bill [H.L.]. Read 3^{a} (according to Order). An Amendment made; Bill passed, and sent to the Commons.

ARMAGH URBAN DISTRICT COUNCIL BILL.

Order of the Day read for the consideration of the Report from the Standing Orders Committee and for resuming the adjourned debate on the Amendment moved after Third Reading.

THE EARL OF DONOUGHMORE: My Lords, I understand that the position now is that this Bill has been before the Standing Orders Committee, and that they have recommended a certain Amendment. On the understanding that your Lordships will accept that Amendment, and I believe the noble Lord opposite does not object to that course being followed, I would ask the leave of the House to withdraw the Amendment which I moved on the previous occasion. The new Amendment does not include a certain number of points that were comprised in my Amendment, but I desire to accept the decision of the Standing Orders Committee.

Amendment, by leave, withdrawn.

Moved, That the Amendment of the Standing Orders Committee be agreed to.—(*The Earl of Donoughmore.*)

On Question, Motion agreed to.

Bill passed, and returned to the Commons.

PETITIONS.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Petition against; of East Lothian Land and Property Defence Association; and Fife Land Defence Association; read, and ordered to lie on the Table.

BUTTER AND MARGARINE BILL.

Petitions to be heard by Counsel for amendment of; of Bridgwater and District Grocers' and Provision Merchants' Association; St. Albans Grocers' Association; and North Staffordshire Wholesale Grocers' Association; read, and ordered to lie on the Table.

MERCHANT SHIPPING (TONNAGE DEDUCTION FOR PROPELLING POWER BILL.

Petition to be heared by Counsel against; of Furness Railway Company; read, and ordered to lie on the Table.

EDUCATION.

Petitions against any legislation on the lines of the Education (England and Wales) Bill, 1906; of Annual meeting of Governors of Wiggonby School at Aikton, Cumberland; Annual meeting of Clergy and Laity of Rural Deanery of Wigton, Cumberland; Annual Meeting of Managers of Biglands Church of England School; Annual meeting of Aikton Habitation of Primrose League; and Annual

An Asterisk (*) at the commencement of a Speech indicates revision by the Member.

meeting of Parish of Aikton; read, and ordered to lie on the Table.

RETURNS, REPORTS, ETC.

BOARD OF EDUCATION.

Regulations under which grants for the building of new public elementary schools in England and Wales will be made by the Board of Education after the passing of the Appropriation Act, 1907, during the year ending 31st March, 1908.

TRADE REPORTS—ANNUAL SERIES.

No. 3897. Siam (Chiengmai).
No. 3898. China (Canton).

INDIA (PLAGUE).

Correspondence regarding measures for the prevention of plague.

RAILWAY ACCIDENTS.

General Report to the Board of Trade upon the accidents that have occurred on the railways of the United Kingdom during the year 1906.

LOCAL GOVERNMENT BOARD (IRELAND).

Annual Report for the year ended 31st March, 1907.

INEBRIATES ACTS 1879 to 1900.

Report of the Inspector under the Inebriates Acts, 1879 to 1900, for the year 1906.

COAST EROSION (ROYAL COMMISSION).

First Report of the Commissioners appointed to inquire into and report on certain questions affecting coast erosion and the reclamation of tidal lands in the United Kingdom—Part I., Report. Part II., Minutes of evidence and appendices.

INLAND REVENUE.

Fiftieth Report of the Commissioners of His Majesty's Inland Revenue for the year ended 31st March, 1907.

Presented (by command), and ordered to lie on the Table.

QUEEN'S COLLEGE (CORK).

Amended statutes of Queen's College, Cork.

ARMY (PENSIONS).

Return for the year ended 31st March, 1907, of pensions specially granted under Articles 730, 1173A, and 1207 of the Pay Warrant: Laid before the House (pursuant to Act), and ordered to lie on the Table.

EDUCATION (ADMINISTRATIVE PROVISIONS) BILL.

Brought from the Commons. Read 1ª, and to be printed. No. 172.

VACCINATION BILL.

Amendment reported (according to order), and Bill to be read 3ª on Thursday next.

The Lord Lamington—Took the Oath.

SMALL LANDHOLDERS (SCOTLAND) BILL.

[SECOND READING.]

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR (LORD LOREBURN): My Lords, when my right hon. friend the Secretary for Scotland asked me to undertake the moving of the Second Reading of this Bill in your Lordship's House I think he had in mind the intricacy of the Bill itself. I hope also he had in mind the fact that I was for many years a Scottish Member of the House of Commons, always associated with the movement for an increase of small holdings in all parts of the United Kingdom, and friendly in every way to the policy of this Bill in the main provisions which it contains. The object of this Bill is the creation of small holdings in Scotland and the giving of security of tenure for those small holdings, and upon the object I need not say much, for there has never been any dispute that it is desirable, if it can be accomplished in the right way. No one has questioned in the House of Commons that it is desirable. I do not anticipate that anyone will question it here; and the noble Lord who has put down an Amendment to the Second Reading expressly affirms in that Amendment that the object is one which we ought to aim at.

I wish to express my own belief that the main principles of this Bill are much more seriously desired in Scotland than is readily appreciated, or than it is easy to appreciate, if I may respectfully say so, in the atmosphere of London. There is an unusually strong feeling in Scotland upon the whole land question. I am perfectly aware that the topic with which I am dealing to-night is only a portion, and not the largest portion, of the land question; but I hope your Lordships will allow me, very shortly, to indicate the reasons why my countrymen attach exceptional importance to the early treatment of the land question as affecting our country. If you look at the census returns you will find that during the ten years preceding the last census the population in Scotland increased by 446,000 people, but in the rural districts there was a decrease of 42,000. The population of the rural districts of Scotland is now about one-fifth of the whole, which is remarkable considering the configuration and character of the country; and during the ten years the decrease in that rural population has been nearly 5 per cent.

Let me turn now to the towns, which have become overcrowded partly by reason of the influx of people from the country districts. The figures I am about to quote were stated by the Lord Advocate in the House of Commons and have been verified by the Scottish Office. In England and Wales the proportion of people who are living in overcrowded conditions is 8 per cent. In Scotland it is 46 per cent. Let me compare a few cities. In London 1 out of 7 of the population is living in overcrowded conditions; in Leeds, 1 in 10; in Liverpool, 1 in 12; in Manchester, 1 in 16. But in Edinburgh 1 in 3 are living in those conditions, and in Glasgow and Dundee, 1 in 2. I take in each case the same standard—namely, living more than 2 to a room. Let me say a word in regard to the consequences of those overcrowded conditions. There originated at the time of the War inquiries in regard to the physical deterioration of the people in this country, and the most recent report of all on that subject is dated July 18th last—a report of investigations conducted in the board schools of Glasgow by Dr. W. Leslie Mackenzie, medical member of the Scottish Local Government Board, and Capt. Foster, Inspector of Physical Training. They divided the schools into four groups, beginning with the poorest, and show the effect of overcrowding. In all groups the children were distinctly below the standard both of weight and of height. One paragraph alone I will ask the leave of your Lordships to read. It is this—

> "These figures show that the one-roomed child, whether boy or girl, is always, on the average, distinctly smaller and lighter than the two-roomed, and the two-roomed than the three-roomed, and the three-roomed than the four-roomed."

I do not for one moment pretend that the subject with which I am dealing to-night is the sole cause, or, indeed, the main cause of that state of things, so utterly deplorable in itself. I am perfectly aware that drink has a great deal to do with it, and there are other causes with which I need not deal; but one of the causes is the exodus of the people from the country districts to the towns, and that has been the subject of comment by the Inter-Departmental Committee of 1904, who declare that there cannot be any controversy as to the expediency of arresting, where possible, the exodus to which such baneful results are attributable.

The provision of small holdings is one method—I could not put it higher than that—of alleviating the evil, and if the system spreads it will be to a great degree an effective remedy. Whether it will spread or not depends upon the terms upon which the system is established, and upon the inducements you offer people to stay on the land. Unfortunately, although numerically there are many small holdings in Scotland, they are not more than 15 per cent. of the whole area; and while it is true that the number of small holdings in the crofting counties is increasing, it is also true that the number in the non-crofting counties of Scotland, with the exception of three counties, is decreasing. The decrease is not very great, but it is all over the area of the non-crofting counties. I maintain that it is the duty of all Scotsmen and of all lovers of their country, to use all their vigour, all their vigilance, and every lawful means in their power, to better a condition of things such as I have described.

I now part from this subject, upon which it is not agreeable to dwell, because I desire to avoid anything in the nature of rhetoric in moving the Second Reading of this Bill, and to confine myself to as simple and clear an explanation of the scheme propounded in the Bill as I can put forward. I cannot touch all the points, all the details, but I wish, if I can, to present an intelligible picture of the scheme propounded by the Government. The Bill, to begin with, establishes two fresh authorities, one of them an Agricultural Commission, consisting of three persons, of whom it may be said in substance that they will form a Board of Agriculture for Scotland. One of the Commissioners, called the Commissioner for Small Holdings, will be specially charged with the duties of the Board relating to small holdings. Another authority constituted will be a Land Court consisting of five members, of whom one must be a lawyer, and one must be able to speak Gaelic; the other three are not required to possess any special qualification. I am perfectly aware that great importance must necessarily attach to the persons selected to hold those important offices. I asked my right hon. friend the Secretary for Scotland, and he told me that he had not even thought of the names as yet, but that it was his fixed resolve, if the Bill passed, to appoint absolutely fair, just, and impartial persons to offices of such considerable importance. In the Bill, so far as practicable, the administrative duties are confined to the Agricultural Commissioners, and the judicial or quasi-judicial duties are reserved for the Land Court.

The policy of the Bill is to afford security of tenure, to begin with, to existing small holders, with appropriate limitations and restrictions, and my contention is that in substance the change in the law as regards existing small holders is not greater than that which is required to prevent the right of arbitrary ejectment or eviction being exercised together with the consequences that flow from that principle being laid down. That necessarily involves the fixing of a fair rent, and the Bill provides that, unless the parties agree, a fair rent shall be fixed by the Land Court, and that the tenant shall be irremovable except under certain specified statutory conditions. In order to obtain a fair view of what is meant let me enumerate to your Lordships the limits and conditions which are to attach to this new tenure. What class of holdings, to begin with, are to come within the Bill? None are to come in except those which are under fifty acres in area, or under £50 in rent. No holdings are to come within the Bill which are held under a lease exceeding a year until after the lease has expired, nor any garden ground, market garden, land within burgh boundaries, ground held for public purposes, woodland or park, permanent grass parks held temporarily for the purposes of a business, such as a butcher's business, nor any glebe, small allotments, or home farm—those are the restrictions preventing a certain class of holdings coming within the Bill.

When the Bill does apply, a new tenure, as I have said, is created, namely a fair rent, fixed, if not by agreement, then by the Land Court, coupled with irremovability except under specified statutory conditions. The landlord under such conditions may dispossess a tenant if he deteriorates the holding or delapidates the buildings, or fails to pay the rent for a certain period, or ceases to cultivate the holding by himself or his family, or becomes bankrupt, or if he sub-divides or sub-lets the holding, or erects any additional dwelling-houses without the landlord's consent, or if he breaks any condition approved by the Land Court for the protection of the landlord, or if he obstructs the landlord in the exercise of his reserved rights. It is difficult to think of any legitimate reason for evicting a tenant that is not one of those I have just specified. There is no power of sale of the tenant's interest, nor any power of assignment. All that the tenant can do is to bequeath the holding within his own family, but not outside.

The rights of the landlord are reserved to the landlord in regard to mining, quarrying, cutting of timber, the making of roads, fences, and drains, and in regard to sporting; and, in addition to that, power is reserved to the landlord to resume the holding if the Land Court is satisfied that he desires to do so for some reasonable purpose having relation to the good of the holding or of the estate, and among other specified reasonable purposes there are feuing for the general benefit of the estate, occupation as a residence by the landlord if it is only estate, building of dwelling-houses or churches or schools, or planning or making roads—for all those purposes the landlord is entitled to resume the holding if he establishes that his is a *bona fide* purpose. When these relations have been established the landlord will, of course, receive his rent, and enjoy all those rights that are reserved, and no trouble can arise. But there may be a renunciation of the holding by the tenant, or the tenant may be removed, and I think it right to state what the consequences are in that event. In that case the landlord may re-let, but the holding remains subject to the Act unless it is released from that tenure by the Land Court. The landlord must pay the outgoer the value of his improvements, deducting any rent due to himself. If he re-lets then, of course, he will be at once recouped. If, however, the holding cannot be re-let, and remains vacant, the Land Court must require the Agricultural Commissioners to provide compensation to the landlord so long as the land is not released from this tenure. That, my Lords, is putting as shortly and tersely as I can the nature of the tenure which is created by the clauses of this Bill.

I now pass to another part of the Bill —namely, the creation of new small holdings. In regard to them, when they are created their tenure will be the same as that which I have already described in the case of existing holdings. And how are they to be created? In the first place the Bill aims at promoting voluntary agreements, and indeed we hope and believe that the exercise of compulsory powers in Scotland will be comparatively rare, and that the good offices of the Agricultural Commissioners will bring about agreements in the great majority of cases. The Small Holdings Commissioner, if he is satisfied that there is a demand and suitable land is available, may negotiate with the landlord as to a scheme, and advances of money may be made by way either of loan or of gift. As your Lordships are aware, the great difficulty in the case of small holdings is the cost of equipment. For that reason loans are allowed to be made either to the landlord or to the tenant, or, indeed, to anyone who in the judgment of the Agricultural Commissioners can further the scheme. Loans are allowed for dividing the land, for fencing it, for road-making, for drainage, for building or for any similar purpose. Gifts may also be made, but not the building; and in order to achieve the purpose by voluntary arrangement the services and assistance of any association or of any person likely to help may be made use of by the Agricultural Commission.

Where agreement fails—I hope in comparatively rare cases—the Agricultural Commissioners must prepare their scheme and submit it for the consideration of the Land Court. The Land Court will hear all parties, consider the matter independently, and having decided on the scheme they will fix the rent and award compensation, and in regard to this transaction two features are noteworthy. The first relates to compensation. Compensation must be made to the landlord for the loss on the letting value of the new holding or of the farm from which it may be taken, or on the sheep stock which he may have to take over on valuation from the old tenant—a peculiarity which may be appreciated by those who are familiar with farming in Scotland. Compensation must also be made to the farmer out of whose farm the small holding is cut. No fuller measure of compensation could be given. The second feature is, that the Land Court, in selecting tenants, are to consider the landlord's objection to any particular applicant, and to give preference to applicants chosen by the landlord. Those are, in substance, the provisions in regard to the creation of new small holdings.

The Bill also contemplates that the powers and duties of the Agricultural Department in London, so far as they affect Scotland, shall be transferred to Edinburgh, and exercised by the Agricultural Commissioners. I will not enlarge upon that subject beyond saying, that there can be no difficulty in making provision against any possible conflict between the agricultural authorities of the two countries on such questions as cattle disease. I have endeavoured to summarise and to state the governing features of the scheme presented in this Bill. It is impossible for me to enter upon full details, and if I did I should only obliterate the general impression I have endeavoured to make, aiming at brevity for the sake of clearness. I do not know whether the Bill will reach the

Committee stage or not. But if it does reach the Committee stage, the Government will be prepared to give an answer to objections if they are fair ones; or if any feature appears unfair they are, of course, prepared and anxious to give the closest consideration to it. But it is impossible effectively to answer objections to detail on Second Reading.

I do not know whether the Amendment which my noble friend Lord Balfour of Burleigh has placed on the Paper is designed for anything further than to set forth the general view that he has upon this important subject and to form the text on which he will explain to us any particular views that he holds. If so, I cannot imagine a more useful thing than that we should be told beforehand the text of the sermon which may follow. But if it is intended, as I sincerely trust it is not, as an Amendment which is to destroy this Bill, then, and in that case alone, let me point out its character. In that case it bears all the notes, marks, and badges of a wrecking Amendment, for it contains no particulars, it suggests no alternatives, and it confines itself purely to vague language which, if it is intended as a text, is appropriate. But this language, if not inappropriate, is undoubtedly unsatisfactory as a method of dealing with a serious proposal if it is intended as a weapon for the destruction of the Bill.

For let us see what it is. The Amendment begins by stating that this House is "anxious to encourage the formation of small holdings under reasonable conditions." I welcome that sentiment; but I should like to know what are reasonable conditions. It is an excellent sentiment, too, that we should "consider favourably such fair amendment of the Acts relating to the tenure of crofter holdings as experience may have shown to be necessary." But what has experience shown to be necessary? It deprecates an "indiscriminate and universal extension of the crofting system." Very good, but what is the discriminate and partial system which meets with the approval of the noble Lord? I suppose the alternative system adumbrated by the Amendment is that which was insisted upon in the House of Commons I rather think by Mr. Balfour, and other distinguished Members of that House—the purchase system. Now, I appeal to your Lordships to say whether any Member in this House believes that the small holding system in Scotland could be established on the purchase method now? We all know perfectly well the difficulties in Ireland under the Act of 1903; owing to the great depreciation of stock and the difficulty of finding money, it is a perplexity of the first magnitude. No one surely can believe that at an early date it is possible even to begin a purchase system in Scotland. It cannot be done; the financial circumstances of the moment are not favourable to it, and I believe that is universally recognised.

But there is another reason. There has been experience in Scotland of the Crofters Act of 1886, of which all who are familiar with it speak in the highest terms. When that Act was passed it was, not unnaturally, the subject of anxiety and apprehension; it was thought that it would invade the rights of property, spell ruin to the landlords, and be a failure. I am quite certain no one will say that those apprehensions have been in the least degree realised. It has been beneficial to landlords and tenants, and the whole neighbourhood, and it has been a blessing to the country. That, I think, is a proposition which will not be disputed. But it rests on divided ownership, not on purchase. I will not enter on the question whether dual ownership has succeeded in Ireland or not. But in one way or another in Scotland the difficulties have been successfully solved, so that while many are anxious to extend the Crofters Acts, no one wishes to substitute purchase for divided ownership in the crofting districts.

I know too much of my country to venture on the differences between the Highlands and the Lowlands, but we are all Scotsmen. I am myself a Borderer, and I believe that in the Lowlands, in the same way as in the Highlands, the good sense, moderation, and intrinsic fairness of the population will produce good results under dual ownership. The evil is admitted on all hands; and there has been no attempt to dispute that the remedy of small holdings, so far as it goes, is a good remedy, and one that it is desirable to put in force. Moreover, no one, save in a vague and nebulous manner, has propounded any other remedy, except that of purchase, which is impracticable partly because of the financial considerations, and partly, I believe, because, after the experience of the Crofters Act, opinion in Scotland would prefer infinitely the system of double ownership. I can only express my most earnest hope that your Lordships will not be deluded by the clamour of the Press, or by the artificial or organised opposition by the more vocal classes in Scotland, into the belief that this Bill is not really desired in Scotland. I myself firmly believe that it is. But, whether it is or not, I maintain that this scheme is one that deserves the closest attention at your Lordships' hands, and that, while it may undoubtedly be improved—and Amendments will be heartily welcomed—it would be fatal to destroy it.

Moved, "That the Bill be now read 2ª."—(*The Lord Chancellor.*)

*LORD BALFOUR OF BURLEIGH, who had given notice on the Motion for the Second Reading, to move—

> "That this House, while anxious to encourage the formation of small holdings under reasonable conditions, and to consider favourably such fair amendment of the Acts relating to the tenure of crofter holdings as experience may have shown to be necessary, deprecates an indiscriminate and universal extension of the crofting system, sees no justification for establishing in Scotland a Land Court on the Irish model, and declines to proceed with a Bill which introduces into the agricultural districts of Scotland the evils which are inseparable from any system of divided ownership in land,"

said: My Lords, no one, least of all myself, underrates the responsibility which I have assumed in putting down the Amendment which stands upon the Paper to-day for your Lordships' consideration. At the outset I can say with truth that the speech to which we have just listened has done as much as any speech possibly could to smooth the way for the Bill which it will be my duty to criticise. I accept to the full the statement of the noble and learned Lord that the professed object of the Bill is in itself in every way desirable, and I would be glad to co-operate in regard to it and to see, as my Amendment says, in truth, an increase of small holdings on proper terms and any fair and reasonable Amendment of the Crofters Acts. But the speech of the noble and learned Lord on the Woolsack has not dispelled the doubt which I have felt ever since I saw the first print of this Bill whether those who have made themselves responsible for it have really gauged what will be, what must be, its effect upon the land system of Scotland.

This Bill has been put forward to-day as a mild and simple measure for the purpose of increasing small holdings in Scotland, and the noble and learned Lord said he hoped we should be in agreement on the main principles. But, my Lords, what are the main principles? Are the main principles of the Bill merely the extension of the system of small holdings, or do they include a Land Court, a system of fixing rent, and a division of ownership? If we pass the Second Reading of a Bill of this kind we are charged with accepting its main principles; if we do not we are said to stand as mere obstructionists in the way of reform. One thing I venture to say to your Lordships without fear of contradiction, is that on the point of tactics your Lordships will never succeed in pleasing the critics of this assembly. They will find fault with you whichever course you take. I have taken the course which I think is the fair and reasonable one. I have stated, no doubt, as the noble and learned Lord said, in general terms, but still in terms which I really mean, and which I believe the large majority of those on this side of the House really mean, that we would be glad to have an opportunity of doing two things which this Amendment professes our readiness to do. But although we desire to preserve the existing small holdings and to create new ones I am here to say—and I shall do my best to prove it—that in my humble opinion the method which has been adopted in this Bill is the worst that could have been devised for its professed object, because it would give rise to a great number of evils and do damage to our land system in Scotland of a more far-reaching character then any other which could have been brought forward.

It is not universally true that small holdings are diminishing in Scotland. There are more of them than there were twelve years ago. Unfortunately our information is defective as to the kind of small holdings in which there has been an increase. The noble and learned Lord thinks it has been mainly in the case of holdings under the Crofters Acts. Having regard to the counties in which the increase had taken place, I think it has occurred in connection with what I would call garden holdings, or holdings on which fruit and vegetables, are grown, on the outskirts of the towns, or in specially favoured districts. But what I complain of in regard to all those who support this Bill is that they do not show any real understanding of the causes which are handicapping agricultural small holdings in Scotland at the present time. Those causes are just the same as those which are operating against the larger holdings—the fall in prices, the burden of rates continually increasing, and the improved standard of living. Men will not now live—and rightly—under the conditions in the country under which their fathers and grandfathers lived before them. I think that the limit of fifty acres is in itself a mistake, so far as agriculture is concerned. I do not say so much about market gardens and so on, but for agricultural purposes fifty acres is the most uneconomic size that could possibly be devised, because it is too large for a family and too small for the employment of hired labour.

What is operating against the small man in agriculture is exactly the same thing that is operating against him in almost every walk of life. The handloom weaver has practically died out except in certain limited parts of the country, when a special industry exists, and the fisherman with the small boat has largely disappeared, and that in spite of much effort by expenditure on harbours to keep him up. All this is regrettable. I am far from saying it is incurable, but I am certain of this, that if it is curable at all it is only by the suiting of means to the end, by endeavouring to enlist by justice and fair play the co-operation of every class from whom you may possibly get assistance. I think that this Bill, in so far as it brings about a sweeping and gratuitous revolution in the conditions under which all holdings are held in Scotland, is liable to prove the greatest obstacle in the way of those very things which its promoters, I believe, most honestly desire. In the first place, the Bill trenches upon the rights of owners to an infinitely greater extent than it benefits the small holder, and by the very form which it has taken it will penalise most of those who have done their best in the past. It will confiscate or render unrealisable a large part of the capital laid out on improvements, and of the rest it will transfer a substantial portion from the owner to the tenant without a penny of compensation or of payment.

I go so far as to say that if this Bill is passed in its present form, it will inflict a grave shock on the faith of all contracts, and on the stability and value of all agricultural property. It is wrong in its root idea of extending the crofter tenure to the rest of Scotland. Let me inquire very briefly what that crofter tenure is. What is its justification? What are its essential principles? And how did it come into being? The case for the Crofters Acts was that the Highland crofters had an inherited customary, though legally precarious, tenure, and had built their own houses and made all the improvements. Let me remind your Lordships what the Crofter Commission said. On page 37 they proposed that valuers should visit each holding, and that—

> "any building in serviceable condition or suitable for the working of the holding which can be shown to have been executed by the occupier or his predecessor, and for which he had received any consideration, should not be taken into account in fixing rent."

By the way, I may say that while I think that perfectly sound, the Crofters Act did not proceed on that principle. It took a dead limit of £30; it cut off all below on one side and all above on the other. The Bill was a rough and ready method of carrying the Commissioners' recommendation into effect, and I venture to think that the fixing of the £30 limit, not in itself logical or even just, has been the source of a great deal of the heartburning which has been traceable to that very fact. Sir George Trevelyan, in introducing the Bill, said—

> "Their little holdings are not like the rest of the holdings in England and Scotland. They are not equipped by the landlord with all that makes them fit for habitation and cultivation. Their improvements in their holdings and in their houses are made by the crofters themselves."

And he proceeded to show that nothing but a sense of honour prevented them from having their rents raised to an impossible extent, and he gave a certificate to the Highland landlords, as a class, in the most eulogistic terms.

I stand here to say that the general rule laid down by Lord Napier's Commission is perfectly sound. It seems to me as sound to-day as it was twenty-one years ago. If the landlord has done the improvements, the whole market value of the subject as tested by free competition and bargain belongs to him. If the tenant has done the improvements, then the landlord's share is the market value, less the value of the tenant's improvements not compensated for. If you are going on this line at all, the proper thing to do is to ascertain the facts in each case, and then to regulate the respective rights in accordance with those facts. Now, contrast the situation in regard to the whole of the rest of Scotland. A fully equipped farm represents capital, and capital belonging to two people. All that part of it which is not properly removable belongs to the landlord; that which is properly removable belongs to the tenant. The tenant is protected by the Agricultural Holdings Acts; the protection of the landlord is, in the last resort, his right of resumption of the holding; and the rights between these two people all over Scotland rest upon the faith of well-defined, well-understood contracts. Landlords have laid out a large amount of capital, sometimes in the purchase of their estates, but more often in improvement of them. They have incurred obligations for the benefit of their property and their tenantry which, except on the faith of the stability of contracts, they would not have undertaken. Where any improvement is due to the tenant and is made under proper conditions let the tenant's property be secured to him. Tenant right, whether in Ireland or in Scotland or anywhere else, is a subtraction from the rent, and, as I have said, it is proper and sound if the tenant has legally earned it, but it is wrong if he has not. Once admit tenant right without discrimination, as this Bill does to a large extent, and you place the landlord in the position that he cannot in any way alter the condition of the tenancy; he can neither raise the rent however justifiable, nor get rid of a bad tenant, nor maintain the standard of agriculture.

While the Bill will deprive the landlord of his just rights, it will also—and this is perhaps the worse part of it—discharge him from the obligation to do what he has previously considered his duty. Over the great part of agricultural Scotland the rights of the owner and occupier have rested, not upon the confused customary tenures which obtain in the Highlands, but on free contract between an owner with equipped land to let and a tenant with capital, in the form of stock, or implements to work it. There is no particle of distinction in principle between large and small holders; they sit in each district side by side and under similar conditions; they may move from one tenancy to another, and you will find wherever you go that the capital expenditure has been equally made for the benefit of the large and of the small. The essence of ownership is the permanent right; the essence of tenancy is the temporary hiring of land. Under the circumstances as they exist in Scotland I say that the grant, whether it be to a large or to a small holder, of fixity of tenure and of a rent court has never yet been justified, and I believe it not to be justifiable.

The noble and learned Lord took credit for not having assignation in the Bill. Assignation was in the Bill to a large extent when it was introduced, and I do not see myself, if it is right to give the privilege of a fixed rent and a tenant right, how you can logically stop without allowing him to assign it. I do not believe it is a logical resting place, and if you once give the right of assignation you will be pressed on the downward road to giving free sale; and with fixed rents, permanency of tenure, and free sale there will be nothing between us in Scotland and all those troubles and difficulties which we have so often to deal with as regards Ireland. I make no objection whatever on the point of such compulsion as may have to be applied. I should hope that if landlords were satisfied that they were likely to get justice there would be very seldom occasion for having recourse to it. At any rate, in principle it seems to me too late in the day to object to it. We all of us admit that we hold our property subject to the right of Parliament to expropriate it for a public purpose upon fair terms, but we must jealously examine whether this new principle of compulsory hiring can be safely admitted.

There is a difference between the English and the Scottish proposals in this respect. As I understand the English Bill, the landlord there will be sure of a solvent and a suitable tenant. He will have a responsible body from whom he can claim compensation for deterioration and so on. I will not go further into that point in a Second Reading speech. I should like, however, to say a word in answer to the reiterated objections of the noble and learned Lord on the Woolsack that a system of purchase is impossible. Again, it is being proposed for England as an alternative to compulsory hiring. Is it not pertinent to ask why we in Scotland are to be treated worse than England in this respect? But I know it is a cardinal point with the advocates of this Bill, because there is no matter in regard to it which from first to last they have been paying themselves more extravagant compliments than upon this. The Lord Advocate is reported on the Second Reading of the Bill, and also outside Parliament, to have said that the difference between the cost of settling a family by purchase and by hire is the difference between £800 and £23. The details of the calculation have never been given; they would be interesting.

I suggest to your Lordships that there is, comparatively speaking, no difference at all between the cost of establishing a small holding by purchase and by hire. I will give my calculation, and if any noble Lord opposite wishes to challenge it, I hope he will do so while I am speaking. Suppose I take a plot of land worth £500 a year for small holdings, subject to all burdens. Twenty-five years purchase of that amount comes to £12,500. What does it matter to the small holder whether he pays £50 a year as rent to the landlord or as interest on an annuity to the Government? The Government's credit would, I think, enable him to get better terms through the Government for purchase than from the landlord in the form of rent; but, whether that be so or not, the cost of buildings, of the dwelling-house, of laying out the land in roads, and of fences, drains, etc., would be the same in either case. In the one case the landlord gets the rent; in the other case the Government gets the annuity. The question of certainty of payment does not touch the argument, because it is one of the cardinal points of the supporters of the Bill that it is a delusion to say that the settler will not meet his obligations. That is my answer to the statement that hiring is much cheaper than purchase.

We have heard of the proverbial Chinaman who burnt down his house for the purpose of roasting his pig. He is never regarded to have been a very sane person; but what would you have thought of him if he had burnt down his house and failed to roast his pig in the process? I propose to prove that, while every interest with the exception of one is damnified by this Bill, there is not one interest concerned which on the balance will get a benefit. Let me take first what are called the qualified leaseholders. In the Lowlands of Scotland there are practically no eviction grievances at the present time. If there are any harsh cases on record they are practically a thing of the past. It is more difficult—and I speak both with knowledge and feeling on this point—for a landlord to get a good tenant than it is for a good tenant to get a farm. Freedom of cultivation has been established; security for the investment of capital in the land has been established; and it is difficult to say what actual benefit the small holder will get under the Bill, unless you think it legitimate to give him the landlord's property at less than the landlord could get for it in the open market, for as long as he likes and with liberty to throw it up on twelve months notice whenever he chooses. If that is the benefit—and I believe it to be the only one that can be pleaded—the less said about it the better. In every other respect the existing small holders will be in a worse position than now with regard to future improvements, for the owners of the land will not lay out money on holdings over which they can exercise no control or management, which do not revert to them in full property, and as to which they are reduced to the position of being a mortgagee, a tax collector, and a tax payer.

There is no provision in the Bill for assisting the existing small holders by way of loan, and the difficulties that they find themselves in will be great when they have to renew their buildings, keep up their march fences, and find drain pipes at their own expense. At the present time, almost without exception, the landlord finds these things in consideration of payment of an agreed rent under a free contract. But if this Bill passes I believe it will be found that the tenant will have to raise money for them on more onerous terms than the landlord is able to obtain. I have had put in my hands the complete accounts of a group of eleven estates in one of the most prosperous parts of the eastern counties of Scotland, on which there are mixed holdings. On the eleven estates managed from one office there are eighty-four holdings, ranging from £10 to £850 in annual value. There are thirty-two under £50, and hardly one of these pays interest on the buildings, fences, and drains. Not one of those holdings would be economically sound if it were set up at the present moment; and yet they are being carried on, partly because a wise landowner does not look into the detail of his expenditure on this or that holding, when it is for the general benefit of the estate that they should be maintained; and if these holdings had not been carried on for the benefit of the estate as a whole, at the expense of the larger holdings, they could not have existed.

Only yesterday morning I received a letter—I can give the name of the writer if necessary—from a personal friend of mine, formerly a Scottish Member of Parliament, who states that there is a small holding on his property, seventeen acres in extent, with a rent of £21. It is held on a yearly tenancy. The tenant keeps cows and manages a dairy-farm for the sale of milk to a neighbouring small town. The sanitary authority has come down upon him—probably most properly—for some repairs and improvements. The tenant brings this notice to the landlord, and the landlord having inquired into it, finds that it will cost him about £100, or something more than five years rent, to put the place in repair. The landlord tells the tenant that so long as this Bill is proceeding he dare not spend that money, as there is no security that he can make a bargain with the tenant, although the latter is willing to make it. But for this Bill that work might have been gone on with without delay. The man cannot find the money himself, and it is idle to say that his position would not be infinitely worse than it is at the present moment if this Bill were passed. So much for the present tenant.

Let me come to the new holder. Your Lordships will find the provisions about him in Clause 7 of the Bill. I do not wonder that the noble and learned Lord on the Woolsack shrank from expounding the provisions of that clause, or, at any rate, thought it expedient not to do so on the Second Reading. It is a marvellous clause; there are about seventeen subsections in it, and it extends over five pages. The tenant, the landlord, the Land Court, the Agricultural Commissioners, and all the rest of them, are mixed up in inextricable confusion. I have carefully examined the clause, but I do not feel that I can claim to understand it. But where are the new small holders to come from? There is no limit in the Bill. They may come from any part of Scotland to any other part. They may come from Glasgow or Dundee, or from the crofting districts, to the most fertile lands of the Lowlands and of Forfarshire; and so far from the position of those who want new holdings in the future being benefited, it will be very much more difficult to make a new holding in the future than it has been in the past. It will be a most philanthropic landlord who does it voluntarily, because he will part with all control over his property, and if you have to put in force compulsion you will greatly increase the difficulties. No landlord wants to have a tenant he does not know and therefore cannot like. He does not want to have a man dumped upon him on terms to which he would not have voluntarily consented; and with the prospect of a pecuniary loss against which he would be powerless to take precautions, I venture to say that, except with the maximum of friction and difficulty, you would not be able to establish new holdings at all.

Let me try again to make a calculation. I am very anxious to be fair, and if I have erred in this calculation it is on the side against myself. Take forty-five acres of occupied land, farmed at present at a rent of 18s. per acre, for small holdings; it would probably be fair to reduce the rent to 15s. per acre, in respect that it will cease to have the use of buildings to which the land was formerly attached. The gross rent then of the land would be reduced from £40 to £35, but the new man will have to have a house, and he will have to have buildings. A water supply, roads, and so on, will be necessary. Supposing all these things cost him £600, which I believe to be a moderate estimate, and you charge 5 per cent. on that outlay to allow for interest and depreciation, that will come to £30 a year. Added to the £35 which I have already mentioned, this makes a total of £65 a year, or something like 27s. an acre to the small holder instead of a present rent of 18s.; and, if you are to be fair to the other interests, there must be some compensation to the existing tenant and the landlord. It does not seem to me that the prospect of farming the new holding under this Bill is very attractive.

You do not know whether there is any real demand for these small holdings, you conjecture it, but you have had no inquiry whatever to establish that there is a demand; and in so far as there has been any inquiry, it is contrary to the actual reports that have been made that there is any real demand. Let me now consider the effect this Bill would have on existing tenants and the condition of agriculture generally. In the agricultural districts you have a system under which there has been a larger expenditure by the landlord and tenant than in any other part of the world. The expenditure by the tenant is now rightly protected from confiscation by the landlord. The result is the admiration of agriculturists everywhere. But the Government propose, by this Bill to introduce into this highly developed system one transported from the Highlands, the most agriculturally backward in the British Isles. If land is taken from the farms to which I have referred, much more is taken from the landlord than the original value of the soil. All that has been put into it by the owner and his predecessors is taken away. That is bad for agriculture, it is bad for the community. I go further and say that in so far as this Bill puts a check on the elimination of bad tenants, it is bad in itself, bad for agriculture, bad for the community, and especially bad in this, that, as it takes away the self-interest of the landlord, it takes away the only guarantee which you have for the maintenance of a high standard of agriculture.

In addition to that the proposals of this Bill would create extreme uncertainty and unsettlement among tenants. No one would know from day to day, from month to month, or from year to year when applications would be made and to what extent slices were to be taken off his farm. Refusal to-day does not prevent renewed application to-morrow. Confidence in the future, which requires to be definite and assured, is destroyed. Rotation may be thrown out of gear for years by the reduction in the size of the holding. It is no use to say you will get compensation, for the loss resulting from uncertainty cannot be put into figures; it cannot be compensated for in the coin of the realm. That this point may not rest on my testimony I venture to quote a statement by one of the best authorities on the subject. Dr. Gillespie, whose name is a household word in agricultural Scotland, said—

> "According to an immemorial adage, the profits a farmer ought to make is an annual sum equal to the rent of his farm, and that is not an overstatement of the case. Thus, if fifty acres is taken away and rent diminished by, say, £45, the farmer who has compulsorily been ousted ought to be paid £45 during the remainder of his lease, besides the value of the improvements from manures, residue of feeding stuffs, etc., he has effected on the land. But that is not all. His farm has been put out of gearing, inasmuch as the taking away of so large a slice of it has made it impossible for him to cultivate it in the usual and proper rotation. Outsiders who are ready to pronounce glibly on agricultural matters, as if to the manner born, know nothing of the inconvenience and heavy loss this would entail, but practical farmers are well aware how important this feature of the case is."

I turn for a moment to the effect on the landlord, not that I suppose he is considered worthy of a thought by the friends of noble Lords opposite. For him the Bill will to a large extent involve a gratuitous destruction of value. It is in part a personal transfer of property from one person to another; but that is not the worst of it, because by dividing the interests you destroy the property in such a way that it does not even pass in full to the other man. It is unjust to present to a man who has been only a short time in the tenancy all these rights at the expense of the owner. An indiscriminate gift of this kind is impolitic as regards agricultural efficiency. The rights conferred are of little value to the industrious tenant whom every person is running after, and the lazy and dishonest tenant is entrenched in a position of advantage, and the owner is deprived of power to secure the proper upkeep of buildings and the maintenance of the fertility of the soil.

The real security for the owner is his power of resumption and his right of selecting a tenant. These, fairly exercised, are the appanage of ownership of which you have no right to deprive him. Underlying this Bill there seems to be the assumption that the landlord's only interest is money, that the interference of an official in Edinburgh, or, I would rather put it, of a whole army of officials, can supersede his personal interest in his own property and in those who have been associated with him sometimes for generations. The real interest of the owner is his security for the permanent fertility of the soil, and in that the interest of the community coincides; but in this Bill you are diminishing the power of the owner to maintain that fertility. A tenant can go from the farm when he likes, no matter how disgraceful the state in which he leaves it, and in ninety-nine cases out of 100 any attempt to claim damages is absolutely worthless. You are proposing to give by this Bill not only immunity to the bad tenant, but you are placing a premium on fraudulent proceedings to an extent which can only be realised by those who have practical knowledge. The machinery of the Bill is nothing but an expedient for taking property without the payment of a just price. It would be possible to cut up property in a way which would produce extravagant depreciation of value, and this Bill puts the absolute right in this body of persons sitting in Edinburgh to divide up the estate how and when they please without a shadow of control or appeal.

There are two other interests to which I will advert for a moment, that of the farm servant who wants a holding and that of the community. All the difficulties which I have indicated in the way of the establishment of new holdings will act as a bar to advancement of the wishes of farm servants. It will be much more difficult to settle them in the future than it has been in the past, and for this reason. It is part of the advantage of the present system that in some districts tenants move from small holdings to larger ones and leave the small holdings vacant for farm servants to go into. The effect of the proposals of this measure will be to stereotype the present holding, so that it will be difficult for new men to come in in the first instance. With regard to the town population, I should be the last to minimise the effect of the quotations which were given by the noble and learned Lord on the Woolsack. I believe the state of things to be as he describes; but if this Bill were passed, to what extent would it remove the congestion either in Edinburgh, in Dundee, or in Glasgow? It is a pill for an earthquake. If you spend the whole of your £65,000 on new holdings you would not establish 100 new holdings in a year, and what will 100 holdings do in the lifetime of any of those who are here for the relief of the present congestion in the town?

I will not labour these points, but I say distinctly that only one interest will be benefited by the passing of the measure—the interest of the existing crofters. There is a case, I will say even a strong case, for a fair, reasonable, and considered amendment of the law regarding crofting tenure. Few people know it better than I do, because I have been over every congested district and almost every parish in Scotland comprised in those areas, and I say frankly that there are some of the provisions of this Bill as regards those districts which are eminently reasonable. I like the new definition of the crofter; I like the increase of the power of the Agricultural Commissioners who are to represent the Congested Districts Board; I have no objection to the extension of powers under the Congested Districts Acts; I think it is reasonable to open up the subsidiary occupations to crofters; I see no objection to the enlargement of holdings at the instance of a single applicant; and I would rather approve of the provisions for the resumption of some of the holdings for feuing. There may be other points, and I sincerely hope that we may be able to get to a position in which those things can be fairly considered upon their merits but the way is block by the proferred folly of the greater part of this silly Bill.

There is one other interest which is, curiously enough, neglected in this Bill —the interest of the ratepayers. It is not altogether a very easy point to explain to a largely English audience, and I therefore appeal for indulgence. Under the Crofters Acts, or rather, perhaps, I should say, under our system of valuation, the entry upon the valuation roll on which rates are fixed is made in the name of the owner; that entry is the rent which the tenant pays; and the tenant's name has under it the rent which he pays. So that in ordinary circumstances the entry for the owner and the tenant is in the same figure, and all over Scotland it does represent the value of the subject. But under the Crofters Acts the owner has ceased to be owner of the whole value of the holding, because the improvements are made by the crofter. It is reasonable that the crofter should not be rented on them. But it is not reasonable that he should not be rated on them. Seeing that everyone else is rated on his improvements. I know of one case in which a crofter, having obtained money from a friend in India, expended £800 on the building of a house, but that house rightly, not being the property of the owner, is not entered on the valuation roll, and the crofter only pays rates upon the original £5, which was the value of the croft before the house was built. That unfair exemption and unfair privilege is going to be extended to all the small holders under this Bill.

Let me imagine two holdings in the same parish. One is fifty acres, at £3 an acre, the gross value being £150. The occupier of that holding would come under the Bill. Another man—a poorer man—rents sixty acres at 30s. an acre, the value being £90. Although he is the poorer man he does not come under the Bill. The first will have the whole of the advantages and will not be rated on any improvement which he makes, either with Government money or his own; but the second, the poorer man, will have additional burdens to discharge on behalf of the other because a reduction of value naturally increases the pressure of the rates on others. If land is taken away from the buildings, and they are, so to speak, depreciated in value because they serve less land, they will be entered on the valuation roll in a lower sum, and the poorer man will be subject to an increase of the rates for two reasons—first the gross valuation of the parish will be reduced, and, the rate per £ will be increased. The noble and learned Lord on the Woolsack made a great point of the dislike of the crofter holders to purchase. This is one of the main reasons why they dislike purchase. They see that so long as they remain tenants, and tenants only, they escape rates which they ought to pay, and if they were made owners they would in future be liable for the owners rates as well as those exigible from the occupier, and the subject would be fairly valued as is not now the case.

I think I have proved that with one exception there is not a single interest which is likely to derive any benefit under this Bill, and I am entitled to say that the whole weight of expert opinion is overwhelmingly against it. The Highland and Agricultural Society is against it, the Chamber of Agriculture is against it, and there is not, so far as I know, a single practical estate manager who has said a word in its favour. The Danish Commission selected by the Secretary for Scotland went to Denmark and studied the question, and eighteen out of twenty of the members of that Commission have, since their return, signed a paper in which they say that the Bill will not serve the purpose for which it is intended. Meetings of agriculturists throughout the country have condemned the Bill, and the meeting held at Perth some weeks ago, which the promoters of the Bill appeal to, was mainly composed of party politicians who shout with their leaders; but there was one agriculturist at that meeting—a Mr. Wallace—from the south of Scotland, and he spoke against the Bill.

I wish someone would explain to me what really was the origin of the scheme in the Bill, and how it came to be selected. There was an allusion in the King's Speech of last year to this subject. In that Speech there occurred this sentence—

> "The social and economic conditions of the rural districts in Great Britain require careful consideration. Inquiries are proceeding as to the means by which a higher number of the population may be attracted to and retained on the soil, and they will be completed at no distant date."

The final paragraph of the speech contained a promise—

> "for amending and extending the Crofters Holdings (Scotland) Act."

That was, I suppose, the genesis of this Bill. But the result of the inquiry referred to in the first part of the Speech was not waited for, with foreknowledge, perhaps, that the result would not favour these proposals.

I think I am entitled to remark upon the fact—and I do so in order that we may have such explanation as may be given to us—that there has been almost entirely, with the exception of the Law Officers of the Crown and Mr. Sinclair himself, a conspiracy of silence on the part of the members of the Government about this Bill. Noble Lords who sit opposite know Scotland and the conditions of that country. I hope we shall hear something from them in the course of this debate, from the noble Earl the Colonial Secretary and the First Lord of the Admiralty, but, so far as I know, they have not as yet made any public pronouncement in favour of the Bill. Mr. Haldane, who sits for a Scottish constituency, has carefully abstained from saying a word in its praise. Mr. Asquith, the Chancellor of the Exchequer, has spoken on the financial side of it in the House of Commons, but in other respects he has been silent. Sir Edward Grey, to whose opinion I would attach great value, has, as far as I know, never said one word about it. Even the noble Earl the President of the Board of Agriculture has abstained from any praise of the measure. I do not know whether he likes, or whether he consented to, the provision for transferring part of his duties to the Secretary for Scotland. I shall not inquire. But last year, on 10th October, in Edinburgh, three months after the Bill was published and circulated, Lord Carrington, discussing the Land Tenure Bill, as it was then called, and the question of compensation as payable by the landlord, went on to say—

> "It is a strong measure to interfere with his contractual rights, and to limit his freedom in negotiating with an incoming tenant the terms on which he will let his land. Such legislative regulation of the terms of contract is really the first step in the direction of valued rents and a Land Court, and without saying whether they are good or bad I doubt whether the members of the chamber are prepared to enter upon that right without much fuller consideration."

The Bill had been circulated about three months at that time. I should like to know if the noble Earl had really considered it. If he had, how did he come to speak of it in terms like those? If he does not agree with the Bill, it is not difficult to explain. But he cannot both agree with it and have deliberately spoken in that way.

If this were a Bill for the creation of small holdings or an amendment of the Crofters Acts, it would have no warmer supporter than myself. If it can be transformed into one or both of these things it will still have my warm support for what it is worth. But, in my humble opinion, as it is, it is nothing short of an agrarian revolution for Scotland. The system, bad as it is, proposed to be set up by this Bill cannot stand; it is no permanent settlement. It is not even logical on its own stupid lines. It goes either too far in the direction of divided ownership, or it goes not far enough. How can a system stand which produces such anomalies as I have instanced to your Lordships? I will give you one more. There may be two tenants side by side, one paying £150 for a 200-acre agricultural farm; the other man paying the same rent for 50 acres of better land on which he grows fruit. The one has his rent fixed by a Court, security of tenure as against his landlord if he wishes to stay, the right to go if he chooses and freedom from rates for his expenditure. The other man not only has none of these privileges, but he is saddled with liability for additional rates for the benefit of his richer neighbour, coupled with the oppressing apprehension of losing at any moment 50 acres of his own farm.

I should like to make one personal reference. By one of those extraordinary coincidences which sometimes happen this is the anniversary of the day upon which I entered into the responsible ownership of my estate such as it is. This day forty-three years ago I became an owner of land in Scotland. Since that time I have resided on my estate. I have dealt personally with my tenants, and since I came of age not one letter has been written, and not one bargain made, which has not come under my personal cognisance; and I venture to think that with that experience I may be said to know nearly as much—I put it modestly—as a man who has been Secretary for Scotland for fifteen or eighteen months. I say that in this Bill you are disregarding economic conditions; you are disregarding all reasonable provision for security of property, on which the comfort and prosperity of every man, rich or poor, in every civilised country depend. For a successful scheme of small holdings you want, and you ought to have, the co-operation of landlords as a class; but in this Bill you have taken the most elaborate precautions to make that co-operation absolutely impossible.

I am obliged to speak strongly because in this matter I feel strongly. I say that this Bill has been born in ignorance, it has been nurtured in obstinacy, and it is being supported by class hatred and political spite. I care not whether this House rejects the Bill or amends it and makes it a reasonable measure. I believe it will be very difficult to do that unless we have the consent of the Government. The noble and learned Lord on the Woolsack says he is a Scotsman and knows his fellow-countrymen. My Lords, I too, know my fellow-countrymen, and I tell your Lordships that if I allowed this Bill to pass as it stands I should be ashamed to go back to the north side of the border. My countrymen do not want a Land Court or divided ownership. Keep those things in the Bill and it will have my undying and relentless hostility, and I shall not be afraid to go before any audience in Scotland and defend the position I have taken up. Take out these things, and, as I indicate in the terms of my Amendment, the Bill will have no more sincere, earnest, or cordial friend.

Amendment moved—

"To leave out all the words after 'That' and insert 'This House, while anxious to encourage the formation of small holdings under reasonable conditions, and to consider favourably such fair Amendment of the Acts relating to the tenure of crofter holdings as experience may have shown to be necessary, deprecates an indiscriminate and universal extension of the crofting system, sees no justification for establishing in Scotland a Land Court on the Irish model, and declines to proceed with a Bill which introduces into the agricultural districts of Scotland the evils which are inseparable from any system of divided ownership in land.'"—(*Lord Balfour of Burleigh.*)

Lord Balfour of Burleigh.

THE FIRST LORD OF THE ADMIRALTY (Lord TWEEDMOUTH): My Lords, we have had a very long and weighty speech from my noble friend Lord Balfour, and I think that part of it was not well phrased in which he made so severe a stricture on the present Secretary for Scotland. We, too, are Scots and we, too, think that we know something about the wishes of our country. The speech of the noble Lord was an absolutely *non possumus* speech. Lord Balfour used the very strongest language with regard to this Bill, language which entirely washes away the preamble of the Amendment which he has presented to the House. The speech of the noble Lord leads to no possible conclusion except the rejection of the Bill on Second Reading. I do not say that my noble friend has gone quite the length of his namesake in the other House of Parliament. In the other House Mr. Balfour said the Bill had the unique peculiarity of offending every canon of legislation, and that there was no responsible statesman, politician, or theorist in the country who would not be offended by its provisions.

If those are the sort of opinions held by noble Lords opposite, by the Opposition in the two Houses, the only just and proper course for the Opposition to pursue is to reject the Bill at once and consign it to limbo. But, as a matter of fact, the charges which are made against us, both in public speeches and in the Press, are really founded on a tissue of misapprehension, misunderstanding, and exaggeration. I think the preamble of my noble friend's Amendment is one on which we can all agree. I believe we are all agreed that it is necessary that a greater number of small holdings should be established in Scotland, and the noble Lord who has just sat down has not suggested a single alternative method or plan for carrying out that object. Speaking for myself, I admit that I do not accept the Bill *verbatim et literatim*, but I thoroughly accept its main principle, and the basis upon which it is founded, and I think the case for bringing forward a Bill such as this is absolutely unanswerable.

The noble and learned Lord on the Woolsack has already given some figures to show what the condition of the country now is. I venture to return to those figures, though I shall deal with them in a somewhat different way. Taking the census returns, which gives very full information of what is taking place, for the twenty years between 1881 and 1901—1901 was the date of the latest census—I find that in 1881 the population of the whole of Scotland was 3,735,573; in 1901 it had risen to 4,472,103, an increase on the twenty years of 736,530 persons. But what has happened in the rural districts of Scotland during the same period? I am taking the figures from the following classes in the census lis, namely, farmers and graziers, farm bailiffs, shepherds, and farm servants; and I find that in those four classes there is a decrease in the twenty years from 204,948 in 1881 to 161,226 in 1901. That is to say, though there was an increase of about 20 per cent. in the total population of Scotland, there was a decrease in the rural population during the same twenty years of rather more than 20 per cent. Then it was rather argued in the noble Lord's speech that there was no demand for small holdings in Scotland; that small holdings were not liked, and were not asked for in Scotland.

*Lord BALFOUR of BURLEIGH: I did not say all that the noble Lord is attributing to me. I said there was no proved demand.

Lord TWEEDMOUTH: It is a most curious thing that, taking the farms in Scotland of all sizes, the number of small holdings is infinitely greater than that of large holdings. The total number of holders of agricultural farms in Scotland is 88,000; the persons who hold small holdings number 62,000, and they hold land worth only £690,000, whereas the other 26,000 persons farm land of the rental value of £4,674,000; that is to say, out of the total rental you have 62,000 persons holding land only of the value of £690,000. I think that shows that there is a great demand for small holdings, that the people are desirous of getting small holdings, and that they have been put off so far with a very small amount of land, and that of the worst and cheapest there is in the country.

What is this Bill founded on? It is founded on the Crofters Act, 1886, and on the Congested Districts Act, 1897. The noble Lord asked how the amount was fixed in this Bill at fifty acres. A limit of fifty acres was in a Bill that was introduced when he himself was in office in 1902. This Bill makes no change in the law so far as the crofters are concerned, except the introduction of the principle of compulsion, and that principle, I was very glad to note, the noble Lord opposite accepted. He accepted the proposition that it is necessary for the State to have the power of compulsion in order to obtain for the people of the country the rights that we are desirous they should have. My noble friend raised the question of dual ownership of land under this Bill. I think it is very difficult to say where dual ownership ends and where it begins. When you have two people occupying the land in the relation of landlord and tenant you have at once a dual ownership. The system of cultivating land under a lease is essentially a Scottish system. From the Tweed to Cape Wrath you have the system of feus, which is nothing in the world but the leasing of land, with certain rights reserved, for very long periods or even for perpetuity. That is the very essence of the Scottish land system. I say, therefore, that the holding of land on lease for the purposes of agriculture is a good old Scottish custom which it is right should be extended.

It is admitted that the result of the experiments under the Crofters Acts has been extremely successful. I think even some of the great landlords of the Highlands will themselves admit that they and their tenants have gained considerably from those Acts. The noble Lord who denounced this Bill made light of it, because he said that under no possible circumstances would more than 100 small holdings be created every year. If that is the view of the noble Lord, it does not seem to me that he need be very anxious in the matter. If that is the amount of disturbance that will be caused by the Bill I fail to understand the strong objections to it entertained by the noble Lord. My noble and learned friend the Lord Chancellor very clearly stated the different conditions by which the crofter was edged in, and a small landholder under this Bill has exactly the same conditions imposed upon him as now exist under the Crofters Act. But there are a great many other advantages that will be obtained under this Bill. In the first place the landholder, when a small holding is instituted, will be absolutely compensated for any damage that may be done to him in his rent or for any loss sustained over the rest of the land from which the small holding is taken. It has to be considered that the men who are to be appointed either as members of the Land Court or as Agricultural Commissioners will be men of the highest weight and the greatest experience, and I believe that you can safely entrust to them the duty of carrying out the regulations of the Bill with honesty and with a desire to act fairly to all interests. To suggest that these men are likely so to deal with land as to produce the results depicted by some of our opponents is really most ridiculous.

For my part I most earnestly urge on the House that they should not take violent measures with this Bill, which I believe will be an admirable commencement of the change which we all desire to bring about—an increase of the small holders and of the rural population. I do not think that the landlords need be afraid that their big holdings are going to be torn up, or that they are likely to experience any great difficulty from the operations of the Bill The natural thing is that certain areas should be taken suitable for small holdings, and that on those areas small holders should be established. It is perfectly evident that a small holder has a much better chance of getting on in the world and of doing his business if he finds himself grouped with others of the same profession and the same desires as himself, so that they may co-operate together and do their business in a good and sensible manner. Besides that they then have the advantage of common communication from the outside world, both for the goods that they want to sell and for the things they want to bring in to help in the cultivation of the land. I urge that this Bill is deserving of careful consideration, and that it is worthy of tender treatment at your Lordships' hands, and I hope that, though you may wish to amend it in some of its details, you will accord to it a Second Reading.

THE EARL OF ROSEBERY: My Lords I am very sorry that I cannot vote for this Bill; and for a very simple reason. I am going to vote for the English Bill, and I cannot stultify myself by voting for both. I am very sorry I cannot vote for this Bill, because I have never yet voted against any measure of the Government which I worked hard in my humble way to bring in, and to which I sincerely wish well as a bulwark of free trade. I hope I shall not have occasion to vote against them again. I am not sure from the speech of my noble friend Lord Balfour whether he intends to press his Amendment to a division. I will not ask him the question directly, because it may not yet be in his mind to answer it. But I would point out that my noble friend spoke very warmly and kindly of the crofter clauses of the Bill, whereas, as far as I understand his Amendment—and I applaud the sentiments of the Amendment entirely—it would put an end to the whole of the Bill if it were carried, crofters' amendment and all. Perhaps my noble friend might be inclined on reflection to modify the words "declines to proceed with a Bill" in his Amendment, which seem to place an absolute negative on the Bill.

We in the House of Lords are in a very strange and anomalous position with regard to all measures connected with land. In all probability—I say it in all humility—we know, by experience not always pleasant, much more about land than the Members of the other House of Parliament. But yet, when we are called on to discuss it, there is a suspicion of our dealings with land, which I will not say is unreasonable, but which I do not think is always well founded. We are considered as children of wrath, as landlords, and as viewing land only from the landlord's point of view. I am not conscious of being a child of wrath, and I hope I shall not have occasion to discuss this Bill from a landlord's point of view. And not merely are we children of wrath, but, as Mr. Gladstone would have said, we have a double dose of original sin. We are not only landlords, but Peers, and everything that landlords may do, or Peers may do, at this moment, is subject to the suspicion and irritation of a large number of our otherwise well-meaning fellow-creatures. That is an anomalous position, but I want to point out that, after all, this is not in essence a landlords' question at all. I hope none of your Lordships intend to proceed to a division with any idea or conviction that he is a landlord dealing with a landlords' Bill. This is a matter for the State, it is a matter of high Imperial necessity, and of intense municipal stress. All the figures which were quoted by the noble and learned Lord on the Woolsack, and requoted with pleasant iteration by my noble friend who has just sat down, tend to point to the fact that this is a question not for landlords, not of agriculture, but of high State and Imperial importance, and that the Bill rests its arguments on the interests of the State as a whole. I should be very glad if your Lordships would clear your minds of any economical or agricultural aspect of the Bill. If it has an agricultural aspect, which I gravely doubt, it has been completely disposed of by the exhaustive and able speech of my noble friend the late Secretary for Scotland.

I will go a little further into this matter, because it is not without interest. The other day in Edinburgh, a town of which I have the honour of being a citizen and in which I am closely interested, a rising, or I might say a risen, member of the Government, though young, took the occasion to apostrophise me not to desert the democracy in this great struggle about land, and not to be deterred by personal possessions from enlisting under that standard. I am sure that the hint about possessions was kindly intended, but let me assure him it was not needed, because so far as I can understand my material interest in this Bill is limited to a single tenant who pays me £12 a year. Long may he continue to pay it, and if he receives the farm which he took under one tenure under a totally different tenure by the benevolence of this Bill, let me assure him that I do not grudge it in the slightest degree. That is the extent of my interest under the Bill. I was asked by Mr. Churchill that I should not dissociate myself from but should associate myself with the democracy in their great struggle about land. Well, I would ask which democracy —is it the English democracy or the Scottish democracy? I know very well what the wishes of the democracy mean in the mouth of a Minister, I am far from saying that I have never used the expression myself—it means the particular Bill of which the Minister is in charge. I venture to ask which democracy I am to serve. Is it the English democracy or the Scottish democracy? As embodied in the English Bill or the Scottish Bill? I could not, obviously, serve both.

I would go further, and ask which Minister I am asked to serve. In the House of Commons on the Second Reading of this interesting measure, which I may remark in passing I think is by far the most amazing ever presented by a responsible Government to Parliament, Mr. Sinclair, the Secretary for Scotland, went out of his way to declare that he was in no way responsible for the English Small Holders Bill. I presume that Mr. Harcourt returns the compliment, and, I should think, with much more gusto and zest, and refuses to be responsible in any way for the Scottish Bill. I sympathise more with Mr. Harcourt than with Captain Sinclair. But what an extraordinary idea of Ministerial responsibility we have come to, when these two gentlemen, each with his Bill under his arm, totally different in principle and precept, come down and adjure us in the name of democracy to pass his Bill and no other, and say that each is not responsible for the other.

I do not quite understand why there should be this great difference of attitude with regard to the land question in England and Scotland. This year the Tweed marks a rampart and boundary between the agricultural circumstances on each side. I now understand why it is that my noble and learned friend on the Woolsack takes such an interest in the Bill, because he has described himself as a Borderer, and probably, therefore, from his rural retreat he can see the operation of both systems at once. But though this year the Tweed is an insurmountable barrier between the agricultural systems of England and Scotland, last year the Tweed had so completely disappeared—like the river Mole in Surrey—that at the tag end of an English Land Bill Scotland was introduced as an after-thought, and thrust in to mark the completion and completeness of the two systems of agriculture. Now either the Government were wrong last year or the Secretary for Scotland and the First Commissioner of Works must be wrong this year. They cannot be right on both occasions. On which leg do they mean to stand—on their English leg or their Scottish leg? It is quite impossible that they can take up a firm position on both. They wobble beneath them. I wonder what the Ministry will say when they come to the English Bill here. Will they drag out their forlorn wooden Scottish leg once more, or will they take a manly stand upon the comparatively safe leg which the First Commissioner of Works has presented?

I confess there is something sinister in the difference of attitude of the Government as regards the land systems of Scotland and England as between last year and this year. I remember that last year the Minister for Agriculture went to Edinburgh, where I had the pleasure of sheltering him under my roof. The noble Earl betrayed a strange and marked indifference to the Scottish Bill and some ignorance of its provisions. The schism was then beginning; it has now developed in a concrete form. What is the reason of this? It makes one think there is something below the surface — something sinister — when a Ministry comes at you with one barrel loaded with elephant shot and the other with snipe shot. People ask which game they mean to bag. I know there are some people in the country so scandalous as to say—I hope beneath their breath—that the one barrel, the English barrel, is meant for use, and the other barrel, the one loaded with elephant shot, is intended to bring down the House of Lords, to act as a topic for the autumn campaign.

Now, I want to say a word or two as to the object of the Bill. It seems to be perfectly logical, and near to the heart of all of us—nearest to the heart of those who call themselves Imperialists, and who wish to rear an Imperial race fitted to govern and colonise. The object of the Bill may be defined to be that we wish to plant, or replant, a race of yeomen in the country, and that we wish to prevent the migration of the rural folk into the cities. I think the figures which have been produced go to establish that contention, but although the Government are so copious with their figures they have omitted two considerations. One is that the figures to which they call attention are not to be largely remedied by the operation of this precise measure, and therefore they form a bad foundation for argument in its favour. The second point, of which my noble friends seem wholly unconscious, is that this state of things is by no means confined to Great Britain or to Scotland, but prevails universally in all the older and in some of the newer civilised countries, and under conditions much more exaggerated than our own. Take the case of France. Lord Lansdowne the other day read an extract from a pamphlet by M. Meline, which pointed out the great and growing evil that is prevailing in France—the general transmigration of the rural population to the cities. Yet that is a nation of small holders. Therefore I do not think it is absolutely proved that the remedy of His Majesty's Government will meet the disease.

Let us take another case—the case of Germany. Germany is a very prosperous nation, and we are constantly asked to take advantage of its experience. There was a telegram from Berlin published only last week to this effect—

> "The ever-increasing movement of country people towards the towns is making itself felt in Germany to so great an extent that it is almost impossible in some districts to carry out the cultivation of the soil, and the military authorities have been compelled to delay the calling out of Reserves for their annual training, and in some cases to grant furlough to the greater part of the men so that the harvest may be gathered in."

That is the case in Germany. What is the case of the United States? In the United States there is none of this "curse of landlordism" which lies like a blight over this melancholy island of Great Britain. There they have boundless space, and there there is what is not so much respected now in Great Britain —boundless liberty. There there are the same evils only in an aggravated degree. There also appeared in the papers last week the following—

> "The announcement that farm lands in the State of New York have fallen off 170,000,000 dollars in value in the last twenty-five years, and that there are now within its borders 12,000 abandoned farms, capable of rearing a population of 250,000, excites no little chagrin and amazement."

That is the condition of things outside these islands. My noble friends have cited their figures with signs of amazement on their faces as if these things were known for the first time.

My noble and learned friend on the Woolsack, who would give the Bill every recommendation that eloquence and reasoning power can give it, having given the House those figures, proceeded to recite the provisions of the Bill. "What alternative plan have you?" asked the Lord Chancellor. Why there is the Government's own alternative plan which is being discussed in the House of Commons at this very moment. The Government seem to be totally unaware of another circumstance which is not without its force. They never seem to think that small holdings had ever been tried here before. Anybody who has an estate in Scotland that has been in his family a century cannot fail to know that a century ago the rule in Scotland was entirely small holdings. Why have they disappeared? They have disappeared not because anybody wanted to get rid of small holders, but because the small holders found it did not pay to cultivate the land in small holdings. It is a question of political economy.

It may be, and I think it is, a wise thing to try to restore the small holders on the land, but we must not proceed simply on the figures of the number of people crowded into one room in the large towns, and then argue from those figures that this Bill is the only remedy for the evil. I am not so sure as the Government are that small holdings would be profitable in Scotland. People can have small holdings now without much difficulty. I was reading the other day in a weekly newspaper a review of five biographical accounts of very successful small holders, beginning with Harriet Martineau and coming down to the present day. These small holders were extremely pleased with their success, but the pertinent remark that applies is that in none of the cases did they clear £45 a year, which is not the average earnings of a working man in Scotland, and, if my estimate of the shrewdness of my fellow-countrymen is not altogether unfounded, they will infinitely prefer £52 a year without risk to a precarious £45 with every risk under the sun, with every penalty of climate, and even with the advantage of holding from the Land Commissioners of Scotland.

I believe it is to be an affair not of the landlords nor of the tenants, but of the State—an Imperial affair—a matter of grave concern to this kingdom. What is the conclusion? The conclusion I draw is an irresistible conclusion, one from which even this Government cannot flinch. It is that if this is a matter of Imperial concern, of municipal concern, and of no other, it is an experiment for which the State should pay, and not the landlord. If the Government wish to try this experiment let them try it honestly and straightforwardly at their own expense, and not come forward cowering under the shadow of an imaginary landlord, and say that you are going to perform great things by establishing 100 small holdings in a year and entirely removing the excess of our city population.

Passing from that aspect, I confess that I view the source of this Bill with the greatest suspicion. The Secretary for Scotland, Captain Sinclair, has yet to win his spurs, and I have no doubt that he will win them, and he may yet become acquainted with the elements of Cabinet communication and common responsibility. But I must say that he is a very young Minister—I do not know what his age is; I am speaking of his experience—and his public record is not such as to induce us to place a blind confidence in his agricultural legislation, because the Committee which he despatched to Denmark to report as to the condition of agriculture there reported almost unanimously in a sense adverse to his Bill. His record does not give us any encouragement for following him blindly in his agricultural experiments, and I am certain that even were Mr. Gladstone to rise from the dead with his great, his universal, capacity and unrivalled experience, it would require much to make his most ardent followers, so far as they were not merely Party hacks, follow him in so vast an experiment.

The Secretary for Scotland has the advantage of the assistance of the Law Officers of Scotland and the Lord Advocate, but they are locked in a death struggle as to what constitutes rent, and they have not even arrived at my noble friend's easy definition of feu, imperfect as I think that definition was. Until they have made up their minds upon that fundamental question in relation to land, I cannot extend to them more confidence than I do to the Secretary for Scotland. Until they are agreed, it is useless to seek what their intentions may be. I am willing to concede to the Secretary for Scotland every moral quality. He may be an angel for all I know; but an angel with discordant wings is not likely to fly very far.

There is another doubt with regard to the source of this Bill which was touched upon by my noble friend—the total want of that inquiry and investigation that should have preceded a Bill of such phenomenal importance. This Bill establishes fair rents and fixity of tenure. How many years of investigation occurred before Mr. Gladstone, ardent reformer as he was, embodied fair rent and fixity of tenure in the Bills relating to Ireland? There was the Devon Commission of 1845, and there was a quarter of a century more of inquiry and investigation before Mr. Gladstone could be induced to proceed any further.

*THE EARL OF WEMYSS: Always exceptionally.

THE EARL OF ROSEBERY: I will not note the interruption of my young friend. He is so impetuous that he would lead me into a disquisition that would take me far from my argument. But I will point out that there has been no investigation conducted *coram populo*. There was a Departmental Committee on small holdings, but their labours are not expected to terminate before Christmas. This Bill may pass before Christmas, or it may not pass before the following Christmas. The Secretary for Scotland, constrained by his two wise lieutenants, might have been able to control his impatience until he saw the result of that inquiry. But he must legislate, at any cost, without waiting for the inquiry of the Departmental Committee. So far as I can gather from the Bill, the Secretary for Scotland, without any considerable knowledge of the subject, has rushed into legislation. A rather strong phrase was once used of a distinguished friend of mine—that he was an old man in a hurry; but the danger of an old man in a hurry is as nothing to the danger of a young man in a hurry.

We might also complain that for this Bill there is no visible or audible demand whatever. At every meeting I have seen—and I have watched with some care—agricultural or otherwise non-political, which has been called to consider this Bill an almost unanimous protest has been made against it. The Commission sent out by Captain Sinclair to Denmark protested, by sixteen out of twenty-two, against the provisions of this Bill. I know the Master of Elibank, who, I believe, controls the political destinies of Scotland, has written a letter on the information at his command, in which he says there is an immense anxiety for small holdings in Scotland. But he neglected to tell us, what was more pertinent, whether this Bill will constitute a satisfactory reply to that demand, and whether it will not cause infinitely more evil than the present state of things.

The principle of the Bill is essentially a vicious one. If nobody else goes into the lobby against the clause that applies the crofting system to the whole of Scotland, I will go alone, with or without a teller. I do not believe any more vicious or more foolish principle was ever applied to land legislation. What is the crofting system? Is it the survival of the fittest? Is it the highest form of agriculture known to Scotland that we are asked to adopt? Some of your Lordships travelling in the Highlands may have seen thin, sparsely cultivated strips of land, sometimes with a cottage built by the savings of children abroad, by lonely lakes, or by the shores of the sea, or on barren moors. There live men who would rather die than leave their native land, struggling against nature, and trying to secure a precarious crop in a climate totally unsuitable for it, on soil wholly unadapted for it. Rather than leave or migrate they persevere in cultivating that ungrateful soil. All honour to them for it; I respect them for it. But I do not think that is a condition of things that we ought to work and legislate to transfer to the magnificent and fertile fields of the Lothians and the Lowlands of Scotland. I cannot imagine any responsible Minister who knows what a crofter is and what a croft is coming down deliberately to this House and proposing to apply that system to the Lowlands of Scotland. I should have been less surprised had the Secretary for War, in producing his Bill for the Territorial Forces, decided that his new Army should be provided with bows and arrows for defensive purposes. What you are attempting to do by introducing the crofting system is to supersede the highest farming known to Great Britain, and perhaps to the world, by the most backward system in these islands. That is the remedy brought forward by my noble friend opposite in order that the people of Glasgow may live fewer in a room than they do now.

I strongly suspect that we see in this Bill no real attempt to deal with the land question in Scotland, no honest attempt to diminish the evils of overcrowding in urban areas. I believe it to be another specimen of the instalment system that was so eloquently proclaimed at Stirling in December, 1905, and which has been followed with such disastrous results. That instalment system in Ireland has worked in this way—the Government have proffered a loaf to Ireland, and they have received a stone, hurled with some violence and precision, in return. There seems to me to be a deliberate attempt—I cannot in any other way explain the genesis of the Bill—to introduce the Irish system of instalments into Scotland. I can imagine—it is a hideous vision—some maleficent angel brooding enviously over the prosperity of Scotland, seeing its spacious and well-tilled fields, its magnificent manufactures, its general contentment, and saying to himself, "How on earth can I overturn this great edifice of happiness and well-being?" I can imagine him searching with critical eye in every corner and cranny of these islands, and at last, his eye alighting on the crofting system and finding on the barren moor or by the lonely lake these desolate crofters, occupied very much on the same tenure as the holdings of the peasants in the West of Ireland are occupied, or were occupied in the old days, saying, "Ah, if we could only spread these crofters all over Scotland, if we could only extend this system to the whole of Scotland, why in time we might produce another Ireland. Like a contagion spreading over the dormant Tweed, who knows that we might not make the whole of this island like unto Ireland in its agrarian system, with all the vast expenditure it has caused, with all the bloodshed and all the crime, and all the hostility of feeling that has placed Ireland on the brink of a revolution for the last half century." I am far from saying that it is the intention of Captain Sinclair to embody himself in this vision of a bad angel. I rather regard him as a well-intentioned angel, but with discordant wings. But there is a place which we are told is paved with good intentions, and I do not propose that that place shall be my native country of Scotland.

I proceed from the principle of the Bill, which is to extend the crofting system to the whole of Scotland, to its methods, which I believe to be almost as vicious as its principle. The methods of the Bill are in the first place to adopt the Irish apparatus, the Land Court and Land Commissioners. How the evil angel I have imagined must have rubbed his hands when he heard of those names which are to regulate and to sap the independence of the Scottish farmers. The proposal is to establish a well-endowed Board in Edinburgh, and I have no doubt the Commissioners, although we have not been told what they are to get, will receive no starving remuneration. It is proposed to establish this Board of pampered officials to regulate the land affairs of Scotland. I am very much attached to Edinburgh, and I am perhaps foolishly attached to Edinburgh boards. But I remember that when I was responsible for the affairs of Scotland as Under-Secretary at the Home Office, before, I think, the present Secretary could have left the nursery, I was surprised and disgusted to find that the Edinburgh boards were not so popular outside Edinburgh as they were inside Edinburgh. There was a hideous propensity in towns outside to describe Edinburgh boards as Edinburgh jobs. That was the view of the unthinking gentiles who dwelt outside the boundaries of Edinburgh. I must honestly say that this particular board has some of the unsavoury associations connected with that unsavoury word. I suppose it is said that there was a great national demand for this Board. I suppose there was such a mob of agriculturists who had laid siege to Downing Street coming up from Scotland that it could not be resisted for a moment. But all the tangible evidence we have would rather show that this Board is not desired. There are ninety-three correspondents of the Board of Agriculture in Scotland. They are not merely correspondents; but they are held practically to represent after examination the opinions of the farmers and agriculturists in their neighbourhood. They were asked the other day, not by the Board of

Agriculture, but in an impartial inquiry, whether they wished to remain under the Board of Agriculture or to come under the new body. Seventy-three of them answered out of the ninety-three, and seventy-one out of the seventy-three replied, with an emphasis that I can understand, that they very much preferred to remain under the Board of Agriculture. It was not the representatives of the Government who informed them of the agricultural feeling of Scotland. There must have been some inner consciousness, some secret communication which is not visible to any Member of your Lordships' House outside the Government.

I myself do not particularly welcome the appearance of this Board. The Lord Chancellor found consolation for the constitution of the Board in the fact that the Secretary for Scotland would only appoint persons of the highest character in whom he had the highest confidence. I never heard of any appointment that was not justified by remarks of this kind. Every appointment I have been instrumental in making—and I am sure I may speak for those who were my colleagues at that time—was entirely made with a view to the worth of the individual and his fitness for the particular post to which he was appointed, quite divested of any idea of political partisanship. These ideas are the source of all appointments. Such observations from my noble and learned friend on the Woolsack make me think that since he gave up practice at the Bar he has lost some of that guile which is supposed to be the characteristic of members of his profession. I take comfort to myself in thinking that a series of upright and independent men will be appointed by the Secretary for Scotland; but I feel pretty sure that I know the sort of man who will get the appointment.

One other curious point to which I may call attention in connection with this Board and which will fortify the unsavoury idea of a job is that when the first Bill was introduced the Commissioners were to have £1,000 a year apiece. On the second introduction of the Bill the Secretary for Scotland thought this was wholly inadequate, and under the closure, not by the spontaneous wish of the Committee, he raised the salary of the Commissioners by £200 a year each—from £1,000 to £1,200—which was, of course, for the purpose of enabling him to obtain people of that high standing and impartial character whom he would not have been enabled to obtain by the lower tariff.

There is another fact about the machinery of the Bill which inspires me with the deepest distrust. The Secretary for Scotland never wearies of telling us that the essence of his Bill is the preservation of the landlord. That, he says, is the keystone of the Bill—to preserve the landlord! Some of your Lordships in early youth on the 5th of November may have followed a small, but melancholy, procession carrying a grotesque effigy, amidst the plaudits of those who should have known better, which was destined after a brief and melancholy existence to be burned at a common bonfire. I am reminded of the procession of Guy Fawkes when I am so constantly told that the existence of the landlord is necessary as the keystone of the Bill; because it seems to me that under the provisions of the Bill I see the landlord paraded like that effigy, applauded by the single taxers of the West of Scotland, borne on his way to his melancholy annihilation at the hands of some supplementary Bill.

What is the position of the landlord under this Bill? The Solicitor-General for Scotland, who is also my esteemed representative, so far indeed as a Peer can be said to have any representative, in the House of Commons—or, indeed, any friend—is never weary of telling us that the landlord loses no rights under the Bill—that everything he values is reserved to him. He can shoot over the land if there is any game. I think that, as far as I recollect, is the argument. I will point out to the Solicitor-General that the position of the landlord is not precisely of the character he tries to indicate. Under this Bill a Land Commissioner, who, by-the-bye, may investigate any land or enter any building in the course of his investigations—an Englishman's house is his castle, a Scotsman's is not—a Land Commissioner may at any moment select a piece of land which he, in his own unaided judgment, may consider suitable for a small holding. If that unaided judgment is confirmed by the more deliberate views of the pampered Board in Edinburgh, the Land Commissioners may take any piece of land they choose belonging to a landlord, at any rate they may fix, and place on it any tenant. The landlord may like or dislike him. That is a matter of total indifference to the land commissioners. That is the position of the landlord under this Bill, which we are assured by the Solicitor-General for Scotland is entirely uninjured by its provisions. What is left to the landlord except to be a rent-charger, to watch the transfer of his land to tenants not selected by him except in *cæteris paribus* conditions (which I do not understand), to watch a procession of tenants passing through his small holdings and perhaps ultimately receiving rent? There terminates the old beneficent—mutually beneficent—relationship of landlord and tenant in Scotland; it may be regarded as buried; and if this Bill be passed, this Bill will be its sepulchre.

There is another point to which I would call attention with regard to the landlord. The Scottish Department in the House of Commons never cease to deny that there is any question of dual ownership under this Bill. I remember a very indignant invective from one of the Law Officers who asked where you could find dual ownership in the Bill, and expressed the hope that I would read the Bill and indicate where the dual ownership could be found. It is some satisfaction to me under this united and harmonious Government to find that the noble Lord took the dual ownership as a matter of course, and that my noble friend the First Lord of the Admiralty, in a sentence of which I could not clearly comprehend the meaning, said it was not clear where the dual ownership began and ended, and then went on to some argument about a feu, which I was not able to follow, but which indicated the total acceptance by the Government of the fact of dual ownership under the Bill.

That is a very grave change to be brought in at a moment's notice on the first accession to power of a Government by a Minister previously untried. I wonder if your Lordships realise how deeply and profoundly that principle reaches down into the very bases of our social structure; how, if recognised, it cannot be limited by its present limit of rental; if accepted, it cannot be constrained by the Tweed. It must proceed forward; having given a fair rent and fixity of tenure you cannot in the nature of things resist the logical extension to free sale, and then you will have realised what you have been trying to do all along by this large, but subtle, instalment—making another Ireland of Scotland, and making that agrarian system prevail ultimately throughout this island.

The noble and learned Lord challenged those who objected to this Bill, with the conduct of which he seemed to feel complimented, to produce an alternative plan. It is said, "what are your arid criticisms? We want something substantial to substitute for a Heaven-sent measure." I do not wish to define the place whence the Bill came, but there is an alternative plan. I am not completely satisfied with the Government plan for England, though I shall vote for it, as being founded on comparatively sure and safe principles and working methods. The Government have no right to ask their critics to furnish an alternative, and as things are now regulated in Parliament it is not possible for a private Member to get a measure through, and the attempt is waste of time and effort. On this occasion, however, I depart from rule and will make a present to the Government of what I believe to be an alternative and right plan for dealing with this question.

The only right and honest way, to speak plainly, of proceeding in this business is by way of purchase. Let the State try the experiment. I do not necessarily say the method of giving freeholds is the best, or that more experience is needed in Great Britain. I deprecate the extreme rashness of the Government, and cannot understand why the Government, which has large estates in England on which they could try experiments, should not equally purchase estates in Scotland, and become the superior, or landlord, of tenants. The advantage of agricultural colonies—that is what it would come to—is that you would be able to secure the co-operation the Bill will not be likely to give. You could, moreover, have afforestation, which, in the belief of many who are more skilled than I, is a remedy for the desertion of the land and for a mass of unemployment. Conveniently land banks might be instituted for such colonies, which would be an inestimable boon to the small holders. Lastly, it would be an immense advantage to have a community of small holders, one vying with another, one encouraged by the experiment of his neighbour, instead of the small holders being in scattered fragments.

If you ask me how I would provide for the government of such a labour colony, I say I would have Commissioners for the whole island—not in Edinburgh—attached to the Board of Agriculture, for the establishment of uniformity of treatment. Further, I would suggest that the man who would incomparably be the best head of such a department would be Sir Horace Plunkett of whom Ireland was not worthy. I am not alone in believing that in some such system a solution of the problem could be found. Captain Waring, the Member for Banff, repudiated indignantly the idea that there is a wish for leasehold as compared with freehold tenures. I am encouraged by that testimony, and firmly believe that deeply rooted in the Scottish character is the desire for a freehold tenure to develop with all their energy.

I know there is an objection to my proposal, and it was not obscurely hinted at by some members of the Government. The Solicitor-General for Scotland, on the Second Reading in the other House, spoke of the rigid opposition the Treasury offered to all financial demands for Scotland—a candid confession. But I should think, if I had anything to do with the working of such a scheme as that, I should not go with all the pomp of red tape and say, "The Government want this or that estate;" I should purchase as an ordinary buyer. If you buy for the Government you buy much too dear; if you buy as a private individual you pay the market price. I do not think it can be said this cannot be done. It can be done. The London County Council, the second body in the kingdom, after Parliament, in some respects a more important and more satisfactory body from an administrative point of view than is Parliament itself—I have the warmest regard and respect for that body—the London County Council finds no difficulty in buying cheap land. To my life-long sorrow I found that so when they purchased an estate near my own and covered it with a lunatic asylum. What the London County Council can do the Government can do, if only it will untie a few knots of the red tape with which it is swaddled and behave like a rational individual seeking a rational thing in a rational way.

That brings me to my last, and I think my greatest, objection to the provisions of this Bill, the gross affront and disparagement implied to Scotland. In the course of this or next week you will have the opportunity of considering the English Bill of the Government. In that Bill you will find that the English county councils, with, I know, some stimulus from the Agricultural Department in case of neglect on their part, are to be entrusted with the work of dealing with this question on their responsibility as popularly elected bodies representing the wishes of their constituents. Look all through the Scottish Bill produced by this Liberal Government and you will not find one jot or tittle of confidence in the elected bodies of Scotland. English county councils are, forsooth, such estimable bodies, chosen by such more intelligent people, that they can be entrusted with functions denied absolutely to members of Scottish county councils. England, under the English Bill, is treated like a self-governing colony; Scotland is to be treated like a Crown colony and despotically governed by an Edinburgh board. Her representatives, except in the House of Commons, are to have no voice in the control of the business, they are expressly and insultingly excluded from any participation in that work which is granted in the case of England. No greater affront or insult could be offered to Scotland than is to be found in the Bill.

I take another point, in which I think we have some reason to complain. You admit the vicious principle and do not give money enough to carry it out. You admit your vicious principle but you starve it. Scotland is accustomed to be starved by every Government, but it certainly has reached the acme of starvation under this Government, which cannot provide a loose box for cavalry horses in Scotland for want of money. I wonder how long Scotsmen will submit to this persistent style of disparagement, all the more marked from the fact that most of the members of the Cabinet are Scotsmen or represent Scottish constituencies? Their self-denial, their determination that no suspicion of self-interest, or undue partiality for their country shall attach to their actions has been carried rather too far. I beseech them to cast away the fear of suspicion of this kind, for I can assure them it does not rest upon them in Scotland.

I myself yield to none in a desire to promote small holdings. A sum of £650,000 a year for ever was included in the new Irish Government Bill. It was offered to Ireland as part of the legislative proposals of that Bill, but it was rejected by Ireland as wholly inadequate. Mr. Redmond shortly afterwards made a speech in which he said that every Department in Ireland was starving for want of money. How long is it likely to be before we in Scotland have a chance of turning up our noses at £650,000? I can assure the Government we will not insult them in this way; £650,000 for three years — the sum indignantly rejected by Ireland for ever—would go far to solve this question of small holders in the whole of Great Britain. I beg noble Lords opposite to consider this matter and see if they cannot act somewhat more liberally in regard to Scotland, and that, at any rate, if the Bill is destined to become law, they will considerably enlarge its financial provisions.

I say, then, on all these grounds I am unable to vote for this Bill so far as it relates to the Lowlands. I cannot vote for it, but, as I said at the beginning of my speech, I am going to vote for the English Bill, and I will not willingly permit a damaging comparison to be drawn between the north and south side of the Tweed. I will not vote for elected bodies south of the Tweed, and for a close Edinburgh board on the north. I will not vote south of the Tweed for responsible ownership and for dual ownership, with all its ghastly consequences, on the north. I will not vote south of the Tweed for the principle of purchase, and for the principle of hiring, meagre hiring, on the north. In a word, I will not vote for England south of the Tweed and for Ireland north of the Tweed. I will not be a party in any way, direct or indirect, to the introduction into the healthy body politic of Scotland of the poisonous bacillus of the Irish agrarian system.

LORD SALTOUN: My Lords, this Bill which we are asked to read a second time is in reality three Bills. It is a Bill for the establishment of a Land Court and Agricultural Commission in Scotland, a Bill for the preservation of the small holdings created under the Act of 1886, and a Bill for the creation of new holdings. The whole of the proprietors, very nearly the whole of the farmers, a very large number of the crofters in the various districts, all entirely object to the first of these suggestions—the establishment of a Land Court—and I am bound to say I thoroughly agree with them. The Scottish Chamber of Agriculture has condemned the setting up of a substitute for the Board of Agriculture and the directors of the Highland Agricultural Society have stated that in their opinion the transference of part of their work from the Board of Agriculture to the Secretary for Scotland's Department would be detrimental to the interests of agriculture.

The Minister for Agriculture, who is not in his place just now, attended a meeting in Edinburgh in 1904, I think it was, and he heard from that body a resolution to the effect that—

> "This Conference, while favouring the creation of small holdings where a demand for them exists, is of opinion that fuller information should be obtained on the subject before legislation is introduced, and is opposed to those provisions of the Small Holders' (Scotland) Bill by which it is proposed to establish a system of dual ownership of land for Scotland."

My Lords, we heard that the Minister for Agriculture very much enjoyed his journey up to Scotland, and I trust that he enjoyed the conclusion to which the Board came.

There is also fixity of tenure to the landholder, but I should like to point out that it is a very one-sided fixity of tenure, because it is binding on the landlord but terminable in any year at the option of the tenant. The landlord, if he chooses to take back the ground for any purpose which may be perfectly legitimate in itself may be debarred by the Land Court unless he can satisfy that Court that, having relation to the good of the holding and of the estate, it is desirable he should have it, and then he can only get it back upon payment of full compensation to the tenant. Of course, it is a most one-sided bargain, as it puts the landlord in an entirely different position from what he has been accustomed to, and it gives the whole position into the hands of the tenant, who can at his option leave or remain. Then, of course, the Bill strikes entirely at the system of long leases, and sales will be almost if not quite impossible. By giving fixity of tenure, and by creating these small holdings, the value of the land is very greatly decreased, and it makes it very, very difficult for anybody whose whole capital is in the land which may belong to him to release that capital for any other purpose which he may choose to use it for.

Then I come to the fair rent. It is open for the landlord as well as the tenant to apply to the Court for the adjustment of fair rent, and of course the Land Court may possibly, upon the application of the landlord, increase the rent. But supposing the tenant is not satisfied with that, he can refuse to pay the rent; he may give a year's notice, terminate his tenure, and leave the place, and in addition to that the landlord has to allow him full compensation for improvements. So that in fact the landlord is absolutely bound by the fair rent which the Court may fix, and the tenant is perfectly at liberty to go away at any time. It seems to me that that is a very hard thing for those who are in the position of a landlord.

Then we come to the law as it is at present. The landlord who has been found liable for compensation to the tenant in respect of improvements which have been made is entitled to set off against the liability his claim against the tenant for rent. This Bill removes the right, as it gives the Agricultural Commissioners a first charge on the landholder's claim. In other words, this simply restores the old law of hypothec which was done away with in the year 1880, I think it was. Under that law the landlord had a first claim on the belongings of the tenant for any loss which might accrue to the landlord through the tenant leaving. Supposing the tenant become a bankrupt, the landlord is then in the position of having to pay, because he is a creditor, and also a debtor, to the bankrupt, so that he has to pay his own indebtedness in full and to accept, in respect of his own claim, such dividend as may remain after the first charge has been paid to the Commissioners. Surely this is absolutely contrary to the general law of the land, and I think it is a most extraordinarily hard case, and most certainly would require amendment. Then supposing we take five farms, or take one farm of 250 acres and divide it into five other farms of fifty acres each. It is very natural that the five farms will be far more expensive to equip than the one farm of 250 acres. You have the houses and the steadings, the roads, fences and all other requirements for farms which have to be provided, and although in theory the yield of the five farms may be greater, in practice that is not found to be the case. There is another thing to be said about that, which is that fifty acres is a most uneconomic size for a farm, and for this reason—that a farm of fifty acres must have a pair of horses to work it, and yet there is not work for the pair of horses. An economic farm is from seventy to eighty acres, according to the nature of the soil and the heaviness or lightness of the land, and there the pair of horses have their full work—they are fully employed on the land, and it can be worked in an economic fashion. But it is perfectly obvious to your Lordships that one farm of 250 acres is very much easier and very much cheaper to work than five farms of fifty acres each. Then the expenses of cultivating, of harvesting, and of marketing are naturally very much larger on the five farms than on the single farm, and it is obvious that a smallholder with fifty acres or less is quite unable to employ the labour-saving machines for harvesting and so forth which are used by all large farms. So that the conclusion of the whole matter is that the larger farm is very much more economical than the small farm.

I would also point out that the rent of the land of the farm is in reality a very small item. I know myself that I have spent a fairly large sum since I succeeded in putting buildings on various farms—I have made a great number of small holdings, and what I find is that the rent I get for these farms is simply the interest upon the money which I have laid out in providing buildings and so forth, and you may take it that when the nineteen years—we may put it at nineteen years because that is the term of the lease—have expired you may look for no rent, or at any rate the rent will be very small—I should put it down at less than half-a-crown an acre. A letter appeared in the *Scotsman* on the 7th May, written by a Mr. James Macdonald, in which he compares the dual ownership system proposed in this Bill with the hiring system at present in general operation in Scotland as regards tenant farming. He points out that under the first-named system the occupier—that is the tenant—finds the entire capital. The landlord provides the land, and the occupier provides a portion of the equipment and finds the labour for working and stocking his holding. Under the Scottish system the landlord pays the whole of the equipment and the occupier's capital is employed in stocking and working the holding. Then he brings this out to a conclusion, and he arrives at the figures by assuming that with land of moderately good quality, rented at about £1 an acre, the price would be about twenty-five years' purchase of its rental, and that it would be used for ordinary agricultural purposes. And then under the third system of stocking and working the holding, £8 per acre would suffice. Under those circumstances he finds that the amount of capital for a twelve acre farm in the first system which I have noticed—that is the dual ownership system — would be £250, but that under the Scottish hiring system that £250 would furnish a thirty-acre farm. There you see is an enormous difference, and of course as it goes on, the amount is very much increased. For instance, £3,000 would equip, under the dual ownership system, 170 to 220 acres according to the nature of the land, and under the present Scottish hiring system it would equip 400 acres. I think that is a great point. It practically comes out that for the purpose of dual ownership a small holder would require £15 to £20 per acre, and under the present system he would only require £1 an acre. Of course we all agree that if it were possible to put the population back on the land, it would be a most excellent thing for the State to have a strong and healthy population going on the land, but I submit that if the advantage is so great, surely any loss should be borne by the State, and not by one class only of the community. It has also, I believe, been said that the scheme is calculated to increase the capital value of land by adopting a system of purchase. If this is the case, the State would get the increment; but if, on the contrary, it were to decrease the capital value, it is surely very hard that the loss incurred for the good of the State should be laid on the landlord. It seems to me that this is a very great revolution of the whole conditions under which land has been held for many years, and one which very unfairly penalises those landlords, and penalises most those very landlords who have done most to maintain and improve the condition of the land. It disturbs the rights of property, and it also is liable to transfer valuable elements of proprietorial right from one class to another without any compensation.

There are one or two other things, which I should like to call to your Lordships' notice. One or two have already been noticed, I think, by my noble friend Lord Balfour of Burleigh, and also by Lord Rosebery. In the first place there is no doubt that wherever a proprietorship is existing, whether in France, in Ireland, in Canada, or in America, the burden of debt which has been incurred in raising capital for the carrying on of the farm, or the paying off of relations and other things, has always been hanging like a millstone round the neck of the small holder. Denmark has also been alluded to, but I would like to point out that the farmers in Denmark live under entirely different conditions from those which apply to the farmers in this country. In the first place they have a protected market, while we have not, and that, I think, is a very important matter. In the second place, they have a very extensive co-operative system, excellently worked and excellently arranged, and there is no reason that I can see why we should not have some such system in our own country. I confess I have tried to get tenants to see it in the same light, but there is a great deal of independence amongst our people in the North; each man likes to do the best he can for himself, and is jealous of any interference from his neighbour; and as far as I can make out I do not think that co-operation seems to appeal to them. What they try to do is to let each man work for himself, and to make the best he can of his farm, and I must say they do it in a most gallant and excellent way. There are no better farmers and no better tenants than we have in our northern country. Then there is a third reason, and that is that in Denmark the State, before they made small holdings, honestly bought the land they wanted, and then created the small holdings on that land. If that were done, I am perfectly convinced that there is not a single person who would object to the provisions of the Bill; in fact, it is practically what was suggested by Lord Rosebery—that purchase should be introduced instead of the scheme that is before us.

In 1904, as has already been stated, Mr. Sinclair got together a Commission which he, I believe, paid for and sent out, to go into and find out about the root causes of the Danish agricultural success. The members of the Commission, I think, are rather important. They included a member of the Congested Districts Board, and also of the Crofters' Commission, as well as representatives of the Highland Agricultural Society, and the Scottish Chamber of Agriculture, teachers from the Agricultural Colleges, and many practical farmers. That was the composition of the Commission which Mr. Sinclair sent out, and the result that they came to after their labours was unanimously agreed upon, and was to this effect—

> "Combining the example of Denmark with their experience of Scottish agriculture, the Commission are clearly of opinion that without raising questions of land tenure too wide for this Report and without imputing failure to bring such holdings into existence, the credit of the State could safely be used, and the principles with which the Legislature is familiar suitably adjusted to Scottish conditions."

I think that is a very strong report from the Commission which was sent out by Mr. Sinclair, who afterwards became the Minister for Scotland, and has introduced the most extraordinarily revolutionary agrarian Bill which has ever been put before this country.

In conclusion, I should like to tell your Lordships of a case which occurred to myself. There were five small holders, the largest of whom left and went to a larger farm—I think of about sixty or seventy acres—on my own estate. The crofters went up in rotation, each into a larger holding, and finally there was one croft left of from fifteen to twenty acres—I am not quite sure about its size. The tenant who was a "grieve," amongst others, applied for this, and it was given to him at an agreed rent, and I caused this question to be asked him: "Would you like to stay here, as crofters usually do, on a year-to-year lease, or would you like to have a nineteen years lease, or what lease would you prefer?"—and the answer was: "If I could contract out of that Small Holdings Bill I would take a nineteen years or a thirty-eight years lease." He got a nineteen years lease, and there he is now perfectly happy, and I am quite convinced that the whole of crofters or small holders, of whom there are now a very large number on my estate are perfectly happy under the conditions under which they have all held the land for very many generations. I think that this Bill is a most objectionable Bill in every way. There is only one fair way to arrange this question, if it must be arranged—if it cannot be left alone—and that is by some scheme of land purchase. But I most sincerely trust that your Lordships will follow the scheme which has been so admirably put forward by my noble friend Lord Balfour of Burleigh, and that you will have the courage of your opinions and reject the Second Reading of this Bill.

THE MARQUESS OF HUNTLY: My Lords, the case against this Bill has been so admirably put in the able and eloquent speeches of the noble Lord, Lord Balfour of Burleigh, and of my noble friend Lord Rosebery, that I do not propose to follow the details of the criticisms which have been directed against it. I should like, however, to call attention to one or two points which have perhaps been rather overlooked. The noble Lord who moved the Second Reading of the Bill alluded very confidently to the feeling in Scotland in favour of the measure. I have no doubt he spoke for the part of Scotland in which he himself is so well known; and I, on my part, can only speak for the portion of Scotland where I also am well known. I may say decidedly that there I have taken particular pains to take the opinion of small holders, of labourers and of those interested in agriculture; and, although there is a very strong feeling in favour of small holdings, there is also a very strong feeling, and indeed a much stronger feeling, against the methods of this Bill by which it is proposed to create small holdings. I find unanimously amongst that class of men—men who have risen from being what we call "grieves," who have taken a small holding and then have gone to a bigger farm—there is an opinion that if this system becomes the law of the land, there is no chance of a man's rising from the position of a labourer into being an affluent farmer; and there are many such instances to my certain knowledge round my part in Scotland.

The next point to which I should wish to allude is the question of the decrease in the population. I think Lord Tweedmouth put the decrease at 20 per cent. in the rural districts among those classes interested in agriculture, as compared with a very large increase in the towns in Scotland. That may be so—I do not quarrel with the figures—but I may say that in that decrease Scotland does not compare unfavourably, as the noble Earl pointed out, with other countries. There is not, in my opinion, much comfort to be got by comparing ourselves with other countries; we ought to look rather to the causes of that decrease. Many causes have been put forward for it; but, in my opinion, we have only ourselves to thank, in a great measure, for this decrease of the population of rural districts. Ever since the first Education Act was passed, our system of education in the rural districts of Scotland has been entirely antagonistic to the teaching of the child in rural pursuits. There has certainly been a change for the better of late years in that direction; but, for the first twenty-five years after the Education Act came into force, the system was to encourage the child to go into other pursuits apart from agriculture; his education was directed to fitting him to be a clerk, or to follow some industrial occupation, and the whole tendency was to encourage him in getting better and larger employment in industrial and manufacturing pursuits. Can we complain, then, that the child grew up without any knowledge of agriculture? I am glad that, as I have said, within the last two or three years a change has come about for the better. At the present time nature subjects, horticulture, botany, and other subjects of the kind are allowed to be taught in our schools; and I think that if we only encouraged the child in rural districts to learn those pursuits that are natural to a country life, we should do far more to get the next generation to come back to the land than by trying to bring back from the big towns those who have gone there from the country. That is, I am confident from having had experience in rural districts, the real system which we should employ in trying to get back our population to take an interest in the land. One warning I want to give, when we talk of small holdings. We are going to have a discussion upon another Bill, and I would point out that it is no use thinking that every small holding will be successful. If you take a man and put him down upon a small holding, and he does not understand his work, that small holding will be a failure. You cannot provide small holdings unless you first of all see that the people you are going to put upon them are qualified, experienced, and competent; if you do not do that the thing will never pay.

I should like to allude to one point which was alluded to by Lord Tweedmouth. He rather claimed that this system was no stranger to our system in Scotland, and he alluded to the feuing system as evidence in favour of that contention. But I would point out that in the question of granting feus, where no doubt the superior remains the rent charger, the buildings are there as security for his rent, therefore the landlord under this Bill would not be in an analogous position to that of the feu superior, because he would have no security whatever for his rent.

The last point is one which affects the district of Aberdeenshire and the northern parts of Scotland more than any other part of the Bill, and that is the daring proposal to transfer from the Board of Agriculture the duties they fulfil to a separate Board of Commissioners in Scotland. If there is one experience that we know of in the north of Scotland it is that we are satisfied that the Board of Agriculture, having the sole control over our flocks and herds, are able far better than divided bodies to control such outbreaks of disease as we have experienced. If you had a divided body controlling the imported live stock, looking after disease, and other things of that kind, you would instantly return to the chaos we were in before our flocks and herds were decimated by disease. There may have been opposition originally to the methods and the work of the Board of Agriculture, but experience has taught us, and I am confident that all breeders of live stock within the United Kingdom and Ireland will agree that the system which has worked under the Board of Agriculture has been most successful, that we see the value of our flocks and herds in this country increased by the work and the provident care with which the Board watches over them, and that we dread any divided authority arising which may place in danger those flocks and herds to which we look so much for our profit.

Now, my Lords, I agree with the strictures which have been passed upon this Bill, and I do not and cannot myself see how you can possibly, by what is suggested—introducing the clauses of the English Bill—amend this measure. I am not a lawyer, and therefore I cannot say anything as to that. I would sooner myself have voted—as I shall vote if it is put to the Question—for Lord Balfour's Amendment, thus getting rid of the Bill and leaving another measure to be brought forward upon saner, and what we consider better, lines. If it can be put right—if you can amalgamate the English clauses with this Bill, and can improve it in that direction—I shall be only too pleased, but I would far sooner see it go to the wall, and I shall therefore vote for Lord Balfour's Amendment if he carries it to a division.

*THE EARL OF ABERDEEN: Both the noble Lords who have just spoken come from Aberdeenshire; I am sorry that my noble friends are not able to support this Bill, but, as I also hail from that quarter, I should like to be allowed to put in a word in the opposite direction. Perhaps that is sufficient excuse, if excuse is needed, on my part for intervening in the proceedings of your Lordships' House at the present time. I have another reason, or pretext, or ground for speaking, and that is that there have been several allusions made publicly in Scotland, not only to the county to which I belong, but to an estate with which I am connected, implying that the experience on that estate told against this Bill. Before further referring to this personal matter, I may in passing remark that, although a good deal has been said this evening about the absence of any inquiry preceding the introduction of this measure, it must be pretty well known, at this time of day, that there is a need for the encouragement of small holdings, and that small holdings are desirable. This is not the first time that a measure dealing with this subject has been introduced into Parliament. If I am not mistaken, in the year 1892 the Government with which my noble relative Lord Balfour of Burleigh was associated brought in a Bill with reference to small holdings. That Bill, too, was founded on the report of a Committee; and not only so, but the county councils were included in that measure as an operating authority. But, so far as regards Scotland, that Bill, I believe, has had little or no effect – it has been practically inoperative. I believe that one county has been subject to some of its operations, but we have heard very little about it. That Bill, as I say, was one which followed inquiry and included the county councils. Now, after all, what were we to inquire into? No one could be doubtful about the success of small holdings under favourable conditions; and I think it may safely be said that the essential condition necessary to promote the success of small holdings, and especially the system of co-operation between the occupiers of small holdings, is security of tenure. We had an eloquent tribute from the noble Earl (Lord Rosebery) who, as usual, held the House to-night, as to the work of Sir Horace Plunkett. I am sure that we are all agreed as to that work, and I think it cannot be gainsaid that one of the leading features of Sir Horace Plunkett's work was a successful application of the system of co-operation. But I rather think that the success of the system of co operation followed the introduction of fixity of tenure in Ireland. Again, we are told to-night that there is no demand in Scotland for a change, or for the encouragement of small holdings. My own experience does not lead me to agree with that; I think all landlords will agree that they have no difficulty in letting small holdings, and that in fact they are much more easily let than large ones. If one may be allowed to speak of one's own experience, I may say that on my own estate we have a large number of candidates for small holdings, especially for those from about thirty-five to one hundred acres in extent, waiting in a sort of queue for an opportunity to take a small holding. The estate is one which is perhaps illustrative of the present discussion, and it has been quoted in a sense which is not borne out by the facts. My noble friend Lord Kintore, who will, I think, be here to-morrow, though he is unable to be present to-night, informed me that he had heard that upon the estate there had been a large reduction of small holdings. He presumed it was because the tenants of the small holdings could not make them pay. I at once explained to him that he was under a misapprehension. His impression was gained apparently from a statement made somewhere in the country that there had been a reduction of about a hundred small holders on one portion of this estate. That was evidently a misapprehension. That statement was not made. The gentleman who is said to have made the statement explained to me that what he had said was, that one would not need to go over many parishes in some parts of the country to find that within the last forty years as many perhaps as a hundred small holdings had disappeared. He was not speaking of the estate to which I am alluding, but of a number of estates. As to the actual condition of that particular estate, it is one which may be described as a small holding estate; there are 48,000 acres of arable land, with an average rent of about 16s. 6d. per acre. The total number of holdings is 809; and of those, no less than 540 are under sixty acres; under twenty-five acres there are 416; and under five acres there are fifty-four. The number of holdings has actually increased during the past thirty-seven years, the period during which I have been responsible for the charge of the estate, and there are now 958 holdings as compared with 935. That includes cottages with gardens. As to the disappearance of any small holdings since the year 1870, there may be about fifty which no longer exist, but this apparent reduction includes such readjustments as the combining of two small holdings or the addition of a very small holding to a medium holding. The other cause of disappearance has generally been the death of the tenant, or the absence of the tenant, without any immediate successor claiming or desiring occupancy. I have already alluded to the demand for small holdings, and perhaps it will not be irrelevant to mention that on this estate of which I am speaking £85,000 has been spent on houses, and £80,000 on steadings, and so on. But I will not trouble the House with any further figures as to this. My point is that there is a demand there for small holdings, and I believe that the success of these holdings might be, and would be, increased by such a measure as that which is now before us.

There has been a good deal said about the "feeling" in Scotland. I could not help thinking that my noble friend on the cross benches (Lord Rosebery) was rather severe about the Edinburgh boards. He seemed to think that to be a member of a board in Edinburgh was not a very estimable thing. He knows as much about Edinburgh as any man living, and I am sure he will agree with me that his words on this subject are not to be taken too literally. I, too, am a citizen of Edinburgh—in fact I was born there—and when one thinks of the Lunacy Board, the Prisons Board, the Public Health Board, and others, it is to be hoped that members of those boards will not take to heart too much what the noble Earl said when he used the rather severe word "jobs" in connection with those institutions. At any rate, I claim that a board, whether sitting in Edinburgh or anywhere else, consisting of Scotsmen who thoroughly understand their country and are fully alive to the responsibilities of such a position as they would be placed in, are as fit to be trusted in even such delicate operations as those which they would have to perform as men in any other position of similar responsibility would be. After all, as to Scotland's feelings, we have heard a good deal before now from my noble friend about the Scottish nationality and the claim that Scotland should be treated on occasion in a different way from the rest of the country, because of the fact that she is in some ways a distinct nationality, owing to the difference in her conditions and history as compared with those of England. I will conclude by saying that it is no wonder there should be a consensus of opinion with regard to the desirability of the encouragement of small holdings, for many reasons, and especially this—that the type of person who seems to be produced by such homes as these is something that may well be described as a national asset. I am sure that any schoolmaster in Scotland would say that his most promising pupils, and those who have been the greatest successes in after life, have been those who have had the advantage of being brought up not only in a home but a homestead, amongst all the surroundings of rural life, the live stock and the various little amenities which go to make up a home of this kind and cause such homes to be so earnestly sought after. I would like to add this to what I have said, very inadequately, in support of this measure, that I most honestly, without any *arrière pensée*, without giving way to any of those mysterious designs of which we have heard, desire to say a word of support and hopefulness regarding it. We have heard of the evils of migration into towns. That is an evil which is common to all towns in all countries. Other countries are striving to combat that evil. The present Bill is a deliberate and a carefully thought-out proposal with that object, and I think a heavy responsibility will rest upon us if we reject it.

*LORD LOVAT: I rise to speak with some reluctance, because I do not wish to take up the time of the House if some member of His Majesty's Government is to make a statement with regard to the Highlands and its treatment under the Bill. As this does not appear to be probable, and as moreover it is a misfortune of the Highlands to be represented in another place entirely by south-country gentlemen, I think it is my duty to-night to make some reference to one or two issues with which the Highlands are intimately connected.

May I say at once there are several points in this Bill which commend themselves very favourably to me, and although I am unable to accept all the principles which underlie the Bill there is much I feel would work for the benefit of the Highlands as a whole. With the general objects of the Bill in the first place most of us can see eye to eye, the increasing of the welfare of the crofters, and the increase in the numbers of them. I am afraid I do not take the rosy view which the Secretary of State for Scotland does of the possibilities of developments of crofter settlements, but I believe that within certain limits the number of crofter holdings can be extended, and extended for the benefit of the community as a whole. The actual clauses, or main headings, which I think will commend themselves to those interested in the Highlands are the increase of the money grants and the extension of the area over which the Congested Districts Board rules. Under the Agricultural Commissioners—who practically are a glorified Congested Districts Board—we may hope for the benefits throughout the Highlands which have been given by the Congested Districts Board on the west coast. I think that anyone who has seen the work of the Congested Districts Board in improving lines of communication, opening up routes for trade, improving stock, helping fishing by experiments and markets, assistance in making new and extending existing holdings, will view with favour the possibility of similar work being done by Agricultural Commissioners in other parts of the Highlands. The extended reference of the word to include forestry is admirable, and it is there that many of us hold that the royal road to repeopling the soil lies. I would here at once ally myself with what has fallen from several noble Lords who have argued that the Agricultural Commissioners should have their work confined to work such as I have mentioned, and should not have the administrative functions of the Board of Agriculture tacked on to them as adumbrated by the Secretary for Scotland. I think all those interested in agriculture in the North as well as in the South of Scotland, wish the central Board of Agriculture in London to control the agricultural situation throughout the United Kingdom.

Then, my Lords, there are certain clauses affecting the position of existing crofters, which I for one would heartily agree with. I am certain that the provisions as to the letting of houses for summer visitors will add very much to the prosperity of crofters, and at the same time will tend to make their buildings more sanitary and more healthy than they are at present. I can speak from experience of a number of my own crofters who actually do take in summer boarders, and I can speak from first hand information as to the money that they receive, often four times their rent, and the improvement of the houses which has resulted. Then on the subject of leaseholders, that is a matter on which a great many proprietors in the Highlands voluntarily abandoned their power of veto. I do not see why this facility of getting a fair rent, which has been given by many, should not by law be given to all throughout the North of Scotland. With regard to the provisions as to applications for enlargement of holdings, I do not think that is a matter which anyone can argue that one number is fairer than another, and I personally have no obection to the substitution of the word ' one" for "five."

Now, my Lords, with these points I agree, but there are certain principles in the Bill which I do not think we can possibly accept. In the first place, there is the injustice which will be done to the occupying tenant, which I do not think has been brought out fully in either House. I am sure that if our Highland representatives were more in touch with Highland feelings, they would know that the most dominant passion among Highlanders is their desire for fixity of tenure and their love of the soil. Why should we consent to do anything which will make the tenure of every tenant in the Highlands, whether his family has been upon the ground for one tenancy or ten, open to eviction by any south country interloper? Wherein has the tenant offended that we should make his occupation of the land insecure? If there is one thing which the proprietor of ground in the Highlands values more than anything else, it is the number of generations of men who have succeeded each other on the same property. Under the Crofters Act, which is in many senses a fair Act, these men at all events had a chance of occupying their dwelling, even if a great portion of their land was taken away. Under Clause 13 of the Crofters Act, these men could retain a portion of their farm, to scale of size, which at all events would give them sufficient ground to dwell on, and cultivation of some sort or kind. Under the new Act, at the end of any lease, any tenant, whatever length of time he may have been on the soil, may be turned out. Is money a compensation for such injustice?

Then there are certain injustices to landlords, of which I do not think the Government have recognised the gravity. Under Clause 13 of the Crofters Act there was protection given to deer forests in a case where the advantage given by an enlargement of the number of holders was not in proportion to the damage done. I am aware that deer forests are a thoroughly unpopular institution, but as deer forests and sporting rents pay half the rate in many Highland parishes, it is essential to the benefit of the community that they should remain. If any other industries can be found to take the place of deer forests, which will give employment to the same number of men, which will bring capital from outside to build houses, paths, lodges and roads, then by all means let deer forests go; but until other work is found or until the rating difficulty is got over, I think it will be found a serious menace to the whole community if the rates, which already in some parishes are 10s., 15s. and in one case 20s. 6d., should be further raised.

Now, my Lords, the difference between the views of the Government and the views I hold on the subject of land legislation lies deeper than any of these mere clauses which I have mentioned. The difference lies in this—that I hold that the land question in the Highlands, the question of repeopling the glens is, in the first place, an economic question, and, secondly, a land question. Until you have got some method by which you can give employment outside croft work to the people in these new crofts that you propose to make, you will not be able to make them economic successes. I speak with very small knowledge, but I have divided some farms among crofters, and I have been interested in the dividing by my friends of a very considerably larger amount, and I can say, having watched closely those settlements which have succeeded and those which have failed, that success has only been attained where there has been work outside the work on the croft. In the cases where division of land has taken place and there has not been either fishing, forestry, tourist traffic or similar work, the crofts have either failed to pay their way, been given up, or amalgamated once more into larger holdings. Until the economic difficulties can be got over, the hashing up the farms, the changing from £30 holdings to £50 holdings is merely a shifting from one hand to the other, without making any real advance. The noble Lord (Lord Rosebery) has referred to the narrow strips of soil which we have suitable for arable land in the Highland glens. That says, in a word, exactly what our difficulty in the Highlands is. It is not a question of the summer grazings which noble Lords see when they are in Scotland in the summer months; it is a question of those narrow strips of ground which keep the stock of the people at the time when the snow covers the hills for six months at a time. That is the limitation which we cannot get over, and cannot help by any tinkering of legislation until we can put some of the people to some work that can be done to make good, or pay for, the wintering of the stock; and any upheaval of the laws which govern sheep farms, and which interfere with the wintering of deer and other stock, unless thoroughly thought out to an end, must end in one result, and that is disaster.

My Lords, I would like to speak for one moment on the subject of the Crofters Act which has been so often mentioned here and in another place, and upon which we have heard such very various views. I cannot speak with the fullness of knowledge of my noble friend Lord Balfour, but I can speak with the experience of some years in managing an estate under this Act. I will say at once that the Crofters Act has been a success from one point of view, and really from one point of view only; and that is the form of tenure which is given to the small holder. It has given a form of tenure, whether you call it dual ownership or whether you do not, in which the landlord does still take an interest in his tenant, while the small holder, with the knowledge and the certainty that he is fixed on the soil, does further assist himself by his own action beyond the point which he would have done if he knew that at any moment his tenure might come to an end. I say at once there are clauses which would not act fairly in any other country except the Highlands, because there we have got a people who by tradition are tied down to the soil. I refer especially to the clause which gives compensation for voluntary renunciation, a clause which has done more to limit the increase of small holdings than casual observers of the crofter question are aware. It is argued here, and it has been argued in another place, that the Crofters Act has been of financial value to the crofter. That I would at once deny. The Crofters Act has really done in actual monetary gain a very small amount. What it actually has done has been this—where money has come from outside employment this money which would formerly have been put to whiskey has gone into the building of houses. To imagine that the Crofters Act where there was no employment has of itself increased the wealth of the people, is to imagine what is not true. I have heard it said very often that in the county of Inverness-shire £156,000 has been put into crofters' buildings. Let me assure you that where these crofters' buildings have been put up, in each place where you go you will see the building is actually by the side of a pier, by the side of a railway, or where new communications, shooting lodges, or tourist centres, have made more prosperity in the country. If you go to the out-of-the-way parts of Western Ross or Inverness, or to Skye, where fishing or yacht employment is not present, can anyone say that the state of the houses or condition of the people show improvement since 1886.

In conclusion, my Lords, I would like to say just one word about the way in which many of us look at this Bill. You are going to give a board great, in many ways absolute, powers; what expectation have we that the *personnel* of the board will be such that justice is assured? From the uncontrolled supporters, if I may use the word, of the Government, we have in speech at all events hardly had what was fair. We have read numerous speeches throughout the country on the subject of the rack renting, of the oppression, which is said to exist. Might I quote just one instance, so that you may see how fair those references to rack renting in the Highlands are? The Crofters Commission, sitting last year, at a cost of £4,450, reduced the total rents in the Highlands of Scotland by some £3 10s. in all. Yet the Government wish to set up another Land Court on a greater scale with larger salaries than those of the Crofters Commission. If, through the rest of Scotland, the rents are reduced by such enormous reductions as you see in the Highlands, is public money likely to be profitably expended? But, my Lords, is justice in speech done by His Majesty's Ministers? We have had statements, such as that most unfortunate statement which was made by the Lord Advocate in another place, on the subject of the Barra troubles. I do not wish to go into the question of the rights of the case, or to discuss whether the Lord Advocate should have been more cognisant of fact—but what I do wish to do is, to ask whether it is likely to increase public confidence, or to help to settle this land question as a whole, that statements should be made which I think it must be admitted are not entirely founded on fact. It was argued by the Lord Advocate that the condition of lawlessness in Barra was primarily due to the action of Lady Gordon Cathcart, who was most unfortunate in the dealings with her tenants. Now, my Lords, I wonder whether there is any proprietor who has done what this lady has done for her people. She has divided the whole of the island of Barra amongst the crofters, she has only retained one farm, and even on that farm she gave cottars land for the growing of potatoes; she has helped in erecting buildings for the fishery people, she has advanced money for boats, and assisted in placing boys out in places on the mainland, she has given gardens and houses, she has given potato land to those who had none, and has sold land to the Congested Districts Board on fair terms whenever they have asked it. I ask if it is likely to assist in any way in the solution of the land question or to give proprietors the idea they are to be treated fairly when a member of His Majesty's Government gratuitously makes trouble between landlord and tenant in the way which has been done by the Lord Advocate.

My Lords, I would like to say, in conclusion, that if we are to arrive at a satisfactory solution of the land question, it must be faced in a way in which the landlord, tenant, and crofter classes are to work together. I think that the work of the Congested Districts Board, and the division of land which has already taken place in the Highlands will shew that so far the proprietors are alive to the necessity of a further division of land, and they would wish to help, as far as they can, in carrying out such a division where it is economically possible. But this Bill in many cases goes outside what may be considered just and fair, and I consider that unless we can have definite assurances on some of the points over which we are at issue, many of us will feel extreme difficulty in voting for the Second Reading.

EARL CAWDOR: I am sure, my Lords, that whatever may be the views of anyone in your Lordships' House in respect to the merits of this Bill, we shall all have but one feeling, and that a feeling of deep satisfaction that a Bill of this importance and far-reaching nature was placed in the hands of the noble and learned Lord upon the Woolsack. It is not for me to suggest a compliment to the noble Lord, but I may say that there is no one whose ability, fairness, and straightforwardness are more recognised on both sides of your Lordships' House, and we feel perfectly certain of this in addition,—which is a great advantage to both sides of your Lordships' House—that whatever strong points there may be in any Bill those strong points are certain to be brought out by the noble and learned Lord. But, my Lords, what did he say? How did he deal with the Bill? The noble and learned Lord told us that the objects of the Bill were the creation of small holdings, and giving them security. We are all agreed upon that. We are all agreed as to the desirability of the extension of small holdings. We are all agreed as to the desirability that those holdings should be secure. The whole question at issue between us is the question of how this is to be carried out. The noble and learned Lord then passed on to tell us of the strong desire there was in Scotland for this Bill. We hear of this strong desire, but only from politicians. We hear of it from the Prime Minister, who gave, I think, the other day, as practically his only justification for the Bill, the "strong desire" there was for it in Scotland. I should like, like my noble friend, Lord Rosebery, to see this "strong desire" a little nearer the surface. It may exist, but it is not apparent. But I am not inclined at all to argue this matter upon the question of desire. I want to argue it upon the question of what is best for the country, and that is the issue which I think your Lordships will have to try during this debate. The noble and learned Lord passed on from that point to an interesting discussion on the question of the increase of the population in the towns, and the decrease of the population in the rural districts, and he drew a sad picture of the state of the overcrowded districts of Scottish towns. He pointed out to us the far greater percentage of overcrowding in Glasgow and other Scottish towns as compared with London, Liverpool, and other English towns; he made a great case as to this overcrowding, and said that the establishment of small holdings was one amongst many things that might to some extent diminish this evil. But, my Lords, the noble Lord did not show us, and did not attempt to show us, in what way this enormous evil that we have to contend against—this overcrowding of the great towns—was going to be touched, even in its very fringe, by the Bill which he lays upon your Lordships' Table. I am not going to attempt to diminish, or to decry the magnitude of the evil, but I do say that the greater the evil, the larger the figures you have to deal with, the more miserable is your attempt to cope with it by this Bill. What do you propose to do? You have thousands upon thousands overcrowding your great Scottish cities, and you propose to spend £65,000 a year to cure the evil.

Lord TWEEDMOUTH: £100,000.

Earl CAWDOR: The noble Lord is quite right—it is £100,000, made up of two amounts of £65,000 and £35,000.

Lord TWEEDMOUTH: £35,000 in addition to the £65,000.

Earl CAWDOR: £35,000 in addition to the £65,000 makes up the £100,000. But £35,000 of that £100,000 is allocated to the congested districts, and the other part to other purposes. But even taking the amount as £100,000, if you were able to allocate it all to the one thing, which you cannot, because £35,000 is allocated, as I have said, to the congested districts, does the noble Lord even then suggest that that is going to cure this evil? It is absolutely playing with the question for the Government to tell us that they are even touching the fringe of this great evil by the £100,000 a year which it is suggested is going to cure it. I put it to the noble and learned Lord (the Lord Chancellor) that, with all his fairness, and all his tender-heartedness in regard to the evils which I know he deprecates in these large towns, it is really trifling with these questions to

suggest that under this Small Holdings (Scotland) Bill you are, by the sums allocated for the purpose, doing anything which can have the slightest effect in the world upon the overcrowding of the great Scottish towns.

The Lord Chancellor then passed on to give us a sketch of the Bill. He told us of the Agricultural Commission which is to take the place, as far as administrative duties are concerned, of the Board of Agriculture. There is very much to be said against that proposal. It has been dealt with already to-night, and I do not propose to go into the question at any length. I want to deal as shortly as I can with a few of the main principles of the Bill, and with nothing else. The noble and learned Lord spoke also of the Land Court as being set up for judicial duties. He gave us a sketch, as I say, of the Bill, but he gave us not even a sketch of justification for its provisions. He said nothing to justify the establishment of the Agricultural Commissioners; he said not a word to justify the establishment of a Land Court. His description of the Bill was admirable, and for those who had studied the Bill with care, it was a most admirable and lucid statement of its provisions. But it contained nothing in the way of justification, and if the noble and learned Lord is not able to justify the Bill, I do not know to whom we can turn on the Government side to justify it. The noble Lord said one further thing which struck me at the time, and that was that this Bill—and I think he said the Land Court—was wanted to prevent the eviction of small holders. Does the noble and learned Lord suggest that there are evictions going on to-day? He does not. Then why is this Land Court wanted? It is established for the purpose of stopping evictions which he has told us do not take place.

The LORD CHANCELLOR: I ought perhaps to have said more than I did, but I wanted to open the Bill as briefly and as clearly as I could. I do not suggest that there are any evictions going on at this time, but I do say that the difference between a man who has a knowledge that he is protected by law in all the improvements that he makes in his holding, and the man who has not that protection, is generally, or very often, the difference between a prosperous and an unprosperous tenant.

EARL CAWDOR: I am very much obliged to the noble Lord. I did not for a moment mean to suggest that he had not made a clear and lucid statement. I accept of course his statement that he makes no charge that there are evictions going on at present. Upon that I may say that I should have thought that before any Bill was proposed for the prevention of eviction, some slight inquiry might have been made as to when evictions had last taken place. We have it that they are not taking place to-day, and therefore I should have thought that any suggestion as to the necessity for this Bill for the purpose of preventing evictions was practically done away with. Now the noble Lord says that the man who is under no fear of eviction—who cannot be evicted—is in quite a different state as to prosperity and comfort from the man who can be evicted. I deprecate very much the introduction of personal matters, but I can give your Lordships one sample which is at all events within my own knowledge. I have, on an estate of which I have full knowledge, tenants under the Crofters Act, who can at any moment, if they choose, apply to the Crofters Commission for a fixed rent. I have adjoining those, with nothing but a wire fence between them, and not always that, tenants who are not under the Crofters Act, but who have no claim, no right, no power to get a fixed rent. Those people are living side by side, and they have before the Crofters Act was passed, and since, been always treated exactly the same, and each of them is equally contented. Therefore, I say that you cannot set up, and it cannot be maintained by those who know the working of the Crofters Act, that the man who has the Crofters Act is contented, and the man who has not the Crofters Act is discontented, and feels himself insecure. I say that in answer to the noble Lords' comment in the last few words he said.

Now, my Lords, there were two points in the noble and learned Lord's speech which I am bound to say surprised me very much. The noble and learned Lord made no recognition in any shape or form, so far as I can remember, or so far as I noticed, of the present system that exists as to letting holdings in Scotland. He did not say one word about the existing system under which leasehold tenants under their landlords have lived on the same holding for generations past; and that is applicable to the very smallest holdings as well as to the very largest. Of those holdings, I think we were told by the First Lord of the Admiralty to-night, 70 per cent. in Scotland are small holdings. Therefore in all these matters of which I am speaking I am referring to 70 per cent. of small holdings, and to the balance of larger holdings. Those tenants and landlords are bound together by the ties of generations. The tenancies in many cases are as old, if not older, than the owner's claim to his property. The labourers on these estates work up from being a labourer to being a small holder; the small holder works up step by step to becoming a large farmer of his district, and this is all done by kindly friendship and kindly consideration, and further by the knowledge that the landlord has of the tenantry and labourers amongst whom he dwells. The noble and learned Lord did not refer to all this. Did he know of the state of things? If he did, is it not a little surprising that he at least should with one stroke of the pen, without one word as to the system he was sweeping away, without a syllable of commendation for the merits that that system has in the opinion of those who know it best, be it landlord, be it tenant, or be it labourer—that he was content, without one word of sympathy or one word of excuse, by the Bill which he has submitted to your Lordships' House, to sweep away the system out of the Scottish system of land tenure, and to put upon us in Scotland, if he could get his will, the dual ownership of the Irish land system? Who defends the system of dual ownership in Ireland? The noble and learned Lord does not. Who does? May it be suggested that it is the happy taxpayer whose millions are being expended year by year in order to put an end to a system which has been found to be intolerable?

The second surprising thing in the speech of the noble and learned Lord was that he made no reference whatever to the English Small Holdings Bill now under discussion in another place. So far as the noble and learned

Lord's speech was concerned, no one would have gathered that such a Bill was in existence. We might have thought that we were simply dealing with this particular Bill, and that there was nothing else to be discussed. I hope your Lordships will insist upon this at least—that whatever part or parcel of the Government's land legislation we deal with this Session, we shall know it all and consider it as a whole. So far England and Scotland, as far as small holdings are concerned, have been dealt with under the same Acts. The last Small Holdings Act incorporated Scotland. Scotland and England up to this date stand side by side with regard to the powers of their local authorities in dealing with small holdings. That is to come to an end. But it was so insignificant a matter—a matter so trivial—that it was not worth the notice of the Lord Chancellor in introducing the Scottish Bill to the notice of your Lordships' House. In England the Government have determined to recognise local authorities, and to give them extended powers as to small holdings. May I ask whether anyone on the Government side, during any part of this debate, is going to enlighten us as to why local authorities in England are to be given these powers and to be trusted—I grant under the Government's English Bill only to a certain extent, but still, are to be recognised, and to be the medium of carrying out the extensions of the Small Holdings Acts as they now exist, while in Scotland nothing is to be done through the local authorities? The whole plan of legislation as to small holdings is to be blocked off here as far as Scotland is concerned. We are to be favoured with a Land Act with dual ownership and many other blessings in disguise, but our local authorities in Scotland are apparently unfit to carry out the small holdings system which is applicable to England and which local authorities in England are supposed to be absolutely capable of carrying out. I only ask as a matter of courtesy whether any member of His Majesty's Government in the course of this debate will enlighten us as to the reasons for this somewhat grave and important divergence.

We have had a great deal made of the overcrowding difficulty. No one minimises its gravity; but the difficulty is not peculiar to Scotland. It may be greater in Scotland than it is in England, but it exists in both countries, and if you can get rid of the overcrowding difficulty in England through the English system that is proposed and through the local authority, why should you cast aside your local authorities in Scotland and say that you cannot possibly deal with the difficulties of overcrowding unless you set up a Land Court and adopt the Irish land system? I would suggest to your Lordships that what is reasonable in the amendment of the law as to small holdings in England should be equally applicable to Scotland. I suggest to your Lordships that what there is in the Scottish Bill that is reasonable in so far as the crofting parts of Scotland are concerned it is desirable that we should retain and carry into effect this session. What there is in the Scottish Bill that has in it the taint of Irish legislation I suggest to your Lordships that we should absolutely reject. If the Bill that is now before your Lordships' House is rejected you will not get the amendment of the law that you think reasonable for Scotland as well as for England embodied in the Bill. You will lose the whole of that if you reject this Bill, because, as your Lordships are well aware, Scotland is not included in the English Bill. Again, if you reject the Bill you will lose any opportunity of amending the Crofters Acts in the way in which many of us in this House think they might reasonably be amended. Therefore I make this appeal to my noble friend Lord Balfour of Burleigh. I would suggest to him that he should allow the Bill to be read a second time. I am glad the noble Marquess (the Marquess of Ripon) is satisfied with that. Would he kindly now allow me to complete my sentence? The noble Marquess seems very much amused. Perhaps he will with ordinary courtesy let me at all events explain exactly the grounds upon which I make that suggestion.

THE LORD PRIVY SEAL (The Marquess of RIPON): I am very sorry if I have done anything which is not agreeable to the noble Lord. I was certainly rather amused at what appeared to me to be the sudden change of opinion. I had not the slightest intention of being disrespectful to the noble Lord.

EARL CAWDOR: I am only too glad to have afforded the noble Marquess the slightest amusement, but he laughed considerably when I suggested that we might allow the Bill to be read a second time. Of course, I quite accept the noble Marquess' explanation, and I am sure he will not think that I intended in any way to be discourteous to him. I will now pass on to explain why I make the suggestion which I have made to Lord Balfour of Burleigh. I thought I had already foreshadowed the reasons which induced me to come to that conclusion. I suggest to Lord Balfour of Burleigh that he should allow the Bill to be read a second time on the distinct understanding that we shall be entitled to consider the Government Bills as affecting land as a whole. I suggest that we should enact for Scotland the amended provisions—that is when we have amended the Bill in your Lordships' House or when we have seen the Bill amended in another place—that we should enact for Scotland reasonable amendments such as have been defined by previous speakers in regard to the crofting districts of Scotland, and that we should lastly—and certainly not least—absolutely decline to extend to Scotland the Irish land legislation and the Irish land system as is proposed under the Government Bill—a system which has cost, not alone the country, but I think Ireland itself, very dearly indeed.

*LORD CLINTON: I think the noble Lord has expressed the opinion of the House in suggesting that we should consider any proper scheme for the creation and extension of small holdings in Scotland. He has expressed what several noble Lords have stated very fully—that we all object very strongly to the method which His Majesty's Government propose in this Bill. We object to the multiplication and complication of all the machinery provided by this Bill. We object to the setting up of new, unnecessary and expensive bodies of officials everywhere. We claim that popularly-elected bodies in Scotland have every bit as much right to be trusted in regard to the creation of small holdings as similar bodies in England. But above all we object to the setting up of the Land Court in Scotland, and to the extension of the Crofters Act of 1886 to the Lowlands. That Act, as your Lordships are well aware, was an exceptional piece of legislation applied to an exceptional state of affairs—to meet agitation and to put an end to disturbance in a particular part of Scotland which differed very widely from the rest. It was for the purpose of mitigating undoubted grievances which were felt by the Highland crofters. The grievance which they chiefly complained of was that, while they claimed an hereditary right sanctioned by long usage, to the ground which they cultivated and to the grazings which they held in common, and while they claimed an actual right to all their buildings and improvements, yet they remained only tenants at will, sitting under a tenure which was legally precarious, and liable to be turned out at any time at the whim of a capricious proprietor. Their claims, I think, were fully met under the Act of 1886, but it is now proposed to apply the same legislation throughout Scotland—to that part of Scotland where no grievance of the kind exists whatsoever, where there is no agitation, where there is no disturbance, and where no claim at all is put forward by small holders for any ownership. It is proposed to apply this legislation to all farms under £50 annual value throughout the Lowlands. I submit that in that part of Scotland which I at all events know well, the north-east of Aberdeenshire, the small holders are in an absolutely different condition from what they are in the west. They are not congested districts in any way, and I am certain that the people who occupy the holdings have no wish whatever to be crofters. Their tenure is a perfectly sound one. They sit most of them on nineteeen years' leases; they have the full security which that lease gives them; they have the additional security amounting almost to fixity of tenure granted them by the Act of last year, and they have the full right of compensation for all their improvements under the Act of 1883, and subsequent measures. They are under absolutely the same terms and conditions as to cultivation and everything else, sitting, indeed, under exactly the same form of lease as their larger brethren, the difference being absolutely only one of size. They make no claim to any sort of hereditary right whether sanctioned by long usage or not. Although many of our small holders in that part of the country have occupied perhaps two or more nineteen-year leases, yet the bulk of those in small holdings are farm servants who have saved a little money during their term of service, and have taken a croft, when they have been able to get one, solely as a stepping stone to better things, and in the course of time rising up until they become occupiers of larger holdings. In fact I think they move about quite as much, if not more, out of small holdings than out of larger farms. It is argued, and has constantly been argued, that this Crofters Act ought to be applied to the whole of Scotland because it has been so great a success in the crofters districts. I believe the Act has been a success. The noble Lord (Lord Lovat), who is so thoroughly acquainted with the crofting districts, has given it a certificate of high character in many respects, and it certainly has accomplished some of the objects for which it was brought in. It has stopped agitation, it has put an end to disturbance, and it has given the fixity of tenure which was so earnestly desired. But all these things were peculiar to a particular part of Scotland, and they are not to be found in the Lowland districts. And it is after satisfying those peculiar districts that the success of the Act stops. The noble and learned Lord who introduced this measure in a speech, the greater part of which I think will find agreement from this side of the House, drew a most harrowing and pathetic picture of the crowding up of families in towns. It is a picture which will draw the sympathy of every Member of your Lordships' House; but that condition of things is not confined to the great towns of Scotland or of Great Britain, I think it will be found in every part of the civilised world. I think it was also suggested that an extension of the Crofters Act would remedy this evil, and indeed the whole of our present small-holding legislation—is put forward for the express purpose of preventing the depopulation of the rural districts. But has the Crofters Act prevented in any way that depopulation where it has been in existence? Some very interesting evidence was put before Lord Onslow's Committee on Small Holdings on this point; it was given by the greatest authority on this question, Mr. Mackenzie, the Secretary to the Land Commission. He stated very plainly that the position of a croft under the Crofters Act stereotyped the crofter in that holding; it apparently smothered his ambition. When once he had improved his croft as far as he could, there was nothing left for him to do. He was afraid of moving away from the croft to a larger place for fear of losing the benefit of the improvements he had made, with the result that, though he himself would remain in that district, his family, his sons and daughters, being tired of the narrow sphere, cribbed up in that small place, migrated constantly, most of them to the larger towns, and many going to the Colonies, where they could find a freer state of things. I should like to call your Lordships' attention particularly to two questions which were put to Mr. Mackenzie on this subject, in answering which he states the matter exceedingly clearly. I do not think it will be suggested that we could get better evidence upon this point than from the Secretary of the Land Commission. In the Minutes of the Evidence before Lord Onslow's Committee a question (No. 4490) was asked of Mr. Mackenzie—

> "You cannot say that the crofter system has altogether stemmed the migration from the country into the towns?"

and his reply was—

> "No, it has not."

Further, a few question later, he was asked—

> "Is there any other point which you wish to mention?"

and his reply was—

> "With regard to the number of inhabitants, I may mention that the population has been going down. Statistics show that this decline in the population has been quite as large since the passing of the Crofter Act as before."

If the Crofters Act has not succeeded in preventing depopulation, what is the excuse for applying it to the Lowlands of Scotland? There is no demand for it in the Lowlands, in spite of some assertions to the contrary. Certainly those who have lived in other parts of the country are not aware of any such demand. The whole of the evidence we have is against the Bill. The Chamber of Agriculture and most of the farmers' clubs have raised their voices against it. A petition was recently presented by the Duke of Richmond from the north-east of Scotland showing that a very large number of farmers, labourers, and others are against the Bill. Of the total signatures against the Bill, 852 were crofters, and 1,095 were farm servants, all of whom keenly protested against the measure. I submit that if this Bill was a Bill which would prevent depopulation, the evidence would have been exactly in the contrary direction: instead of our being able to say there is no demand for it in Scotland, I have no doubt whatever that if people in Scotland believed that any success would attend this measure, they would be clamouring at the doors of your Lordships' House for the passage of the Bill. We thoroughly believe in the value of small holdings, and not only in those favoured districts which are suitable from their soil, climate, or position, as regards means of railway communication, and otherwise—not only in districts suitable for those reasons for the special culture of vegetables and fruit, but also in the less favoured districts which are purely agricultural; we know that there also they can be a success, provided the occupants are given in addition some subsidiary occupation. In the north-east of Aberdeenshire, we have a very large number of them; they do exceedingly well, many of them make money, many of them are able to take larger farms, and they do well because they have there a very considerable amount of employment in connection with quarries, fisheries, part of the year in peat-mosses, and ordinary work of the estates in connection with game, and so on. All these various forms of employment have enabled these people to make money; and it seems to me the most unfortunate thing that His Majesty's Government should not recognise that so many of our local rural industries have been squeezed out of existence by economic forces, partly due to legislation, and should not endeavour, along with a scheme of small holdings, to bring in an alteration of this kind. I believe that almost every State of Europe does something of the kind, except ourselves; and that in almost every State you will find a system of State forestry which employs almost the whole of its rough labour from among the cottagers, with a small amount of land, living in and round the forests. That that has been successful your Lordships can see from any statistics upon the subject; it would be an advantage to small holders, and it would be of the greatest possible advantage to the State. I believe this matter has been pressed upon the attention of every Government for the last twenty or thirty years; and there is reason to regret that some action in the matter has not been taken. In this north-eastern country I say we have a very large number of small holdings; we have kept those holdings going and we have re-built them at very great expense to ourselves, because we believe they are of great importance to the State and to the district. Certainly there has not been a commercially profitable return on the investment, or it has been very, very small; but every single one of those will, at the passing of this Bill, be taken out of the hands of the landlord and put into the hands of the Land Court. The tenant understands fully the disadvantages which this Bill, the extension of the Crofters Act, will bring him; he understands that at present, sitting under an ordinary landlord, he has his buildings kept in repair and renewed when required; he understands that when this Act is extended to the Lowlands of Scotland these will be paid for by himself. It is of the greatest advantage to a thriving young farm servant who wants to take a holding at the present moment that he may take it when he has saved a small amount, sufficient to stock the place. If the Act is extended to the Lowlands of Scotland, he will not be able to take it without having saved a sufficient sum of money to keep his buildings in order. Now, if anything, the extension of the Act must add very considerably to the difficulties of management; it must tend to lessen the amenities of our estates. None of us like to see bad buildings on the estates. It is quite certain that once these buildings get into the hands of poor crofters who have little or nothing beyond the stocking of their places, they will gradually fall into a state that we shall not like to see; this will lessen the capital value of the estates, and make them more difficult to sell. People do not buy estates now so much for investment as because of the amenities and the advantages which they bestow; and the amenities and advantages of these estates will be very largely reduced if this Bill is passed.

My Lords, it seems to me that we who have spent a large amount of money and have done our best to keep up small holdings on our estates, are to be punished and penalised in this way, that we are to be put into a very much worse position than the owners of estates who have not kept up any small holdings at all; and that, because we have adopted in the past a policy which has only been recently taken up by His Majesty's Government, we are to suffer the hardships of this Bill. It is difficult to know why we should be punished and penalised in this way. Can His Majesty's Government say that a landowner is now well advised to divide up his farms into small holdings with the certainty that before long those small holdings will be taken out of his control, and that his estate will be reduced in value? Is that likely to encourage the creation of small holdings? And in reference to the Bill which the Minister for Agriculture is bringing in for England, will it improve his chance of getting landowners to give their land voluntarily by agreement if the Government pass this Bill? Is it likely that they will stop there? Is it not more probable that they will apply the same principles to England? It is very easy indeed to draw a distinction between the crofting districts and the Lowland districts of Scotland, but it is by no means so easy to draw a distinction between the Lowlands of Scotland and England, and it appears to me to be almost certain that as time goes on, if this extension of the Crofters Act is permitted as regards the Lowlands of Scotland, it will also be brought into England. I believe that extreme measures of this kind will make the voluntary creation of small holdings an exceedingly greater difficulty in future, but if the Government would bring in a well-considered measure for small holdings in Scotland, I do not believe that they would have the least difficulty in passing it. I do not think that we could possibly accept a measure of this kind, which offends against our primary ideas of what is just and right, which is a hardship upon all classes connected with agriculture, and which must fail in the object for which it is nominally introduced.

LORD BORTHWICK: My Lords, the arguments against the Bill have been so ably and eloquently expressed that it is with great diffidence that I offer any remark at all on its general principles, but I do so because I believe it to be an ill-advised and unwise measure, and contrary to the wishes of a great number of the people of Scotland. If it were likely that this Bill would be of substantial value to any large section of the community, if it were going to prove a remedy for the admitted evil of rural depopulation, I suppose there is not one of your Lordships who would be unwilling that some such measure should pass into law; but the root of that evil lies very deep and is not to be cured by such a remedy as this. The chief result of this Bill will be to disturb the relations between landlord and tenant and labourer, and failure to achieve its object.

When a Bill like this is introduced, which introduces a new principle as far as the south of Scotland is concerned and is to be applied to the whole of Scotland, regardless of the different conditions that obtain in different parts of that country, there should be ample evidence to show that there is a great demand for these holdings which cannot be satisfied on reasonable terms. Unfortunately there is only too much land to be had in many parts of Scotland at a very low price indeed, and it would have been far better if the fair and straightforward method had been adopted for some small experimental measures of purchase outright. But the Bill does not permit this, and instead we have the system of compulsory hire at an arbitrarily fixed rent. I say no word against the principle of such holdings—it is highly desirable that it should be extended and facilities granted when it can be done on reasonable terms and with reasonable chances of success—but I think there is often a disposition to regard the acquisition of land as an end in itself and not as a means of making a profit to its holder. Taking into consideration the condition under which the industry of farming is carried out in this country, when under the most favourable circumstances it is difficult to make more than a small profit, it is a fair assumption that if you put upon the land a large number of such holders, many of whom will have little or no experience of their task, and be further handicapped by lack of capital and having to pay interest on loans for the erection of new buildings and so forth, many of them will make a failure of it, and there is little doubt where the result of that failure will rest in the end. We were engaged last year in passing a Bill to provide security of tenure to tenants. I do not know what will become now of that security when a tenant is liable to be deprived of perhaps the best part of his farm at any time, or what is to happen to the labourer displaced by the action of the Commissioners to be appointed. I do not doubt for an instant that these gentlemen will perform with justice and moderation the duties allotted to them, but I maintain that on principle it is highly undesirable that such autocratic and arbitrary powers should be conferred on them at all. When land is taken by the State compulsorily for any purpose, that operation should be hedged round with the most careful safeguards and restrictions, and adequate compensation paid to every person from whom the land is taken, and for any loss that is incurred in the taking. I do not know, my Lords, what would be said if it was proposed to take land for a railway company, for instance, under such conditions as obtain in this Bill.

I submit that of all the industries in this country, that of agriculture least deserves to be made the subject of rash experiment and hasty legislation. We hear much of unearned increment and land monopoly. We hear little on the other side of the vast amount of capital spent on making the land fit for cultivation, of the vast amount spent on improvement, of the large sums required, and rightly required, to be spent on providing decent housing accommodation and decent conditions of living for the labourer. Lastly, I think that it should occasionally be remembered that the great benefits accruing to the people of this country from the fact that they are enabled to buy their food in the cheapest market means that the land has to maintain a constant struggle for existence under stress of the severest competition. My Lords, I submit that this great industry should receive that consideration and fair treatment without which no industry can prosper. If it is to be subjected to hasty and ill-advised legislation there is this danger, that the capital which is invested in the land may take fright, and if that should happen you would have mortgages called in on a large scale, heavy and serious loss to thousands and complete ruin to many. I maintain that for these reasons, my Lords, this is a mischievous and ill-advised Bill, and I propose, therefore, to support the noble Lord's (Lord Balfour) Amendment.

EARL WALDEGRAVE: On behalf of Lord Kintore, I beg to move that the debate be now adjourned.

THE MARQUESS OF RIPON: It was my intention to have proposed that the House should give this Bill precedence tomorrow, but after the very extraordinary remark made just now by the noble Earl (Earl Cawdor), I have been a little doubtful what course to take. However, I believe it would be most for the convenience of your Lordships if the Bill were to have precedence, and under the circumstances I will make this Motion Of coure any discussion of the Bill to-morrow, after what we have been told by the noble Lord, must be of a purely academic character. I beg to move, "That the Small Landholders (Scotland) Bill have precedence of other Bills to-morrow."

THE MARQUESS OF SALISBURY: I am not quite sure what the noble Lord meant by the intimation at the end of his observations. Of course we entirely agree that this Bill should have precedence to-morrow, but when the noble Marquess went on to say that this discussion is of an academic character, I think noble Lords—at all events, those sitting on this side of the House—will not be inclined to agree with him. I should have thought that after what has passed this evening the noble Marquess and the Government would have realised that this discussion is of anything but an academic character, and is intended to bear very abundant fruit.

THE EARL OF ROSEBERY: I want to say a word as regards order. I do not in the least understand what it is in Lord Cawdor's statement which makes the debate academic. I want to know exactly where we stand. I daresay the noble Marquess has some meaning present in his mind which is not present to mine.

THE MARQUESS OF RIPON: I am quite as much in the dark as is my noble friend who has just spoken. I want to know where we stand. I want to know the meaning of the statement that has been made by the noble Earl Lord Cawdor. I suppose we shall know in the course of discussion to-morrow. But it appears to me that we shall be engaged in the discussion of a Bill which the noble Lords opposite are going to turn entirely inside out, and to substitute for part of it a perfectly new Bill.

Debate adjourned till to-morrow, and to be taken first.

House adjourned at twenty-five minutes past Eleven o'clock, till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS.

Tuesday, 13*th August*, 1907.

The House met at a quarter before Three of the Clock.

NEW WRIT.

New Writ for the County of Anglesey, in the room of Ellis Jones Griffith, esq., Recorder of the Borough of Birkenhead.—(*Mr. Whiteley.*)

PRIVATE BILL BUSINESS.

London County Council (Tramway and Improvements) Bill. Lords' Amendments considered, and agreed to.

Renfrewshire Upper District (Eastwood and Mearns) Water Bill [Lords]. Read the third time, and passed, with Amendments.

Leith Burgh Order Confirmation Bill (by Order). Lords' Amendments consided, and agreed to.

MESSAGE FROM THE LORDS.

That they have agreed to—Neath, Pontardawe, and Brynaman Railway Bill, without Amendment.

Butter and Margarine Bill; North Staffordshire Railway Bill, with Amendments.

Amendments to—City of London (Union of Parishes) Bill [Lords], without Amendment.

PETITIONS.

CONGO FREE STATE.

Petition from Weston-super-Mare, for protection of the Native races; to lie upon the Table.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Petition from Linlithgowshire, for alteration; to lie upon the Table.

LIQUOR TRAFFIC (LOCAL OPTION) (SCOTLAND) BILL.

Petition from Blairgowrie, in favour; to lie upon the Table.

SALE OF INTOXICATING LIQUORS ON SUNDAY.

Petition from Shepherds Bush, for prohibition; to lie upon the Table.

WEEKLY REST-DAY BILL.

Petitions in favour; From Peckham; and Pirbright; to lie upon the Table.

RETURNS, REPORTS, ETC.

RAILWAY ACCIDENTS.

Copy presented, of General Report to the Board of Trade upon the Accidents that have occurred on the railways of the United Kingdom during the year 1906 [by Command]; to lie upon the Table.

TRAMWAYS AND LIGHT RAILWAYS (STREET AND ROAD).

Return presented, relative thereto [ordered 17th April; *Mr. Lloyd-George*]; to lie upon the Table, and to be printed. [No. 301.]

ARMY (SPECIAL PENSIONS).

Return presented, for the year ended 31st March, 1907, of Pensions specially granted under Articles 730, 1173A, and 1207 of the Pay Warrant [by Command]; to lie upon the Table.

BOARD OF EDUCATION.

Copy presented, of Regulations under which grants for the building of new Public Elementary Schools in England and Wales will be made by the Board of Education, after the passing of The Appropriation Act, 1907, during the year ending 31st March, 1908 [by Command; to lie upon the Table.

LOCAL GOVERNMENT BOARD (IRELAND).

Copy presented, of Annual Report of the Local Government Board for Ireland, for the year ended 31st March 1907 [by Command]; to lie upon the Table.

COAST EROSION (ROYAL COMMISSION).

Copy presented, of First Report of the Commissioners appointed to inquire into and report on certain questions affecting Coast Erosion and the Reclamation of Tidal Lands in the United Kingdom. Part I., Report. Part II., Minutes of Evidence and Appendices [by Command]; to lie upon the Table.

INEBRIATES ACTS (INSPECTORS' REPORT).

Copy presented, of Report of the Inspector under the Inebriates Acts, 1879 to 1900, for the year 1906 [by Command]; to lie upon the Table.

QUEEN'S COLLEGE (CORK).

Copy presented, of Amended Statutes of Queen's County, Cork [by Act]; to lie upon the Table.

INLAND REVENUE.

Copy presented, of Fiftieth Report of the Commissioners, for the year ended 31st March, 1907 [by Command]; to lie upon the Table.

EAST INDIA (PLAGUE).

Copy presented, of Correspondence regarding Measures for the Prevention of Plague [by Command]; to lie upon the Table.

TRADE REPORTS (ANNUAL SERIES).

Copy presented, of Diplomatic and Consular Reports, Annual Series, Nos. 3897 and 3898 [by Command]; to lie upon the Table.

PAPER LAID UPON THE TABLE BY THE CLERK OF THE HOUSE.

Inquiry into Charities (County of Berks).—Further Return relative thereto [ordered 28th March, 1905; *Mr. Griffith-Boscawen*]; to be printed. [No. 302.]

PUBLIC BILL (ALLOCATION OF TIME).

Return ordered, "giving the number of occasions from 1887 on which closure by compartments has been carried, the names of the Bills to which it has been applied, the number of days (if any) devoted to each on the Committee stage before closure by compartments was put into operation, the total number of days (if any) devoted to each in Committee of the Whole House, and the number of days allocated to each on the Report stage."—(*Mr. A. J. Balfour.*)

PUBLIC WORKS LOANS BILL.

Copy ordered, "of Statement of particulars of Loans of which the balances outstanding are proposed to be remitted or written off (in whole or in part) from the assets of the Local Loans Fund."—(*Mr. Runciman.*)

PUBLIC WORKS LOANS BILL.

Return presented, relative thereto [ordered 13th August; *Mr. Runciman*]; to lie upon the Table, and to be printed. [No. 304.]

PAPER LAID UPON THE TABLE BY THE CLERK OF THE HOUSE.

Public Bills (Allocation of Time).—Return relative thereto [ordered 13th August; *Mr. Balfour*]; to be printed. [No. 300.]

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Inspectors of Evicted Farms on the T. W. Sands Estate.

MR. FLAVIN (Kerry, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state if the evicted farms on the T. W. Sands estate, at Knockanure, North Kerry, have been inspected by the Estates Commissioners; whether the landlord has promised to reinstate the evicted tenants; and, if so, what is the result of the inspection and promised reinstatement.

(*Answered by Mr. Birrell.*) The Estates Commissioners have had the evicted farms inspected and the landlord has intimated that he is willing to sell the lands to the Commissioners, with a view to the reinstatement of the evicted tenants. As soon as the necessary legal requirements have been satisfied the Commissioners will proceed with the purchase.

Charitable Institutions and Investments of Trust Funds.

SIR W. J. COLLINS (St. Pancras, W.): To ask Mr. Attorney-General whether his attention has been called to powers given to certain charitable institutions under Royal Charters of Incorporation enabling the Governors of such institutions to invest moneys in securities other than those authorised by the Trustee Acts; and whether he proposes to take any steps to test the validity of such powers.

(*Answered by Sir John Walton.*) I understand that investment clauses in draft charters are always closely scrutinised, and where exceptional powers are sought inquiries are made with a view, unless special reasons exist, to a restriction to trustee securities. In some cases, where old and well-established bodies receive charters the powers which governing bodies have possessed and exercised in the past to the advantage of the institutions have not been interfered with, but in most cases there is no special provision as to investments when it is presumed that only trustee investments would be allowable. I am informed that in no case has attention been called or complaint made in reference to the matter referred to. The subject will, however, be considered.

Navy—Promotions to Engineer Commanders.

Mr. WEIR (Ross and Cromarty): To ask the Secretary to the Admiralty whether he is aware that the recent promotion of officers of the rank of engineer commander in His Majesty's Navy has not given satisfaction, a case having recently happened in which an officer has been superseded by one seven years his junior; and, in considering the promotion of two officers of equally meritorious service, will care be taken that due consideration is given to the claims of the officer who has had the longer service.

(*Answered by Mr. Lambert.*) The Answer to the first part of the hon. Member's Question is in the negative. As regards the second part, it has hitherto been and will continue to be the rule, in considering the promotion of officers with equally meritorious service, to give due weight to seniority.

Income Tax Assessments.

Sir WILLIAM BULL (Hammersmith): To ask Mr. Chancellor of the Exchequer whether earned income includes the duty assessed under Schedule A on a rectory or vicarage occupied by a clergyman of the Church of England, on teachers' houses occupied by teachers, and on houses occupied by persons in a similar situation, when such occupation is part of the emoluments of their office and which they cannot let without the consent of a superior.

(*Answered by Mr. Asquith.*) The Answer to the Question will depend in each case upon whether the annual value of the house forms part of the income, for Income Tax purposes, of the person to whom the use of it is granted. Where such is the case, the tax under Schedule A will be at the 9*d*. rate, as the house is "property which is attached to or forms part of the emoluments of an office or employment of profit"; where, on the other hand, an employee is required to reside in a particular house as part of the duties of his office and for the purposes of that office, the value of such house has been held by the courts (Tennant *v.* Smith) not to form part of the income of the employee, for Income Tax purposes; and, in such cases, the Schedule A tax will be chargeable at the 1*s*. rate.

Duration of Leases of Land in the East African Protectorate.

Sir C. HILL (Shrewsbury): To ask the Under-Secretary of State for the Colonies whether the duration of leases of land in the East Africa Protectorate has recently been reduced from ninety-nine to twenty-one years; and, if so, what is the reason for such reduction.

(*Answered by Mr. Churchill*) The reason for the reduction was that it was not thought desirable to tie up large tracts of land for such a long period as ninety-nine years at a nominal rent for pastural purposes, which do not involve much expenditure for development by the lessee, but the Secretary of State will further consider the matter in the light of the recommendations which may be made by Mr. Macdonald, the newly appointed Commissioner of Agriculture.

Concessions in the British East African Protectorate.

Sir C. HILL: To ask the Under-Secretary of State for the Colonies whether, in sanctioning the grant to companies of land, mining, or railway concessions in the British Protectorates in Africa, the Secretary of State exercises powers similar to those reserved by the Egyptian Government in regard to the terms of flotation of such companies, or if not, what conditions are imposed as an essential preliminary to such grants.

(*Answered by Mr. Churchill.*) The Secretary of State is not aware of the exact nature of the powers reserved by the Egyptian Government in such cases, but various conditions, differing of course according to the special circumstances of each case, are attached to grants of this kind with a view to securing genuine development and providing as far as possible against mere company promotion. He will ascertain what is the practice of the Egyptian Government, and if any additional safeguards of practical value are suggested by it, will be glad to adopt them, as far as possible.

Railway from Forests of Kenia to the Uganda Railway.

SIR C. HILL: To ask the Under-Secretary of State for the Colonies whether any decision has yet been come to as to the construction of a railway connecting the forests of Kenia with the Uganda Railway.

(*Answered by Mr. Churchill.*) No, Sir; the matter is still under consideration.

Reorganisation of the Exchequer and Audit Department Staff.

MR. FIELD (Dublin, St. Patrick): To ask the Secretary to the Treasury whether, seeing that on the recent reorganisation of the Exchequer and Audit Department several Second Division clerks with longer service than Messrs. Dixon and Robinson were sent back to the Civil Service Commission as being redundant, he will explain why Messrs. Dixon and Robinson were not similarly sent back as being redundant.

(*Answered by Mr. Runciman.*) I beg to refer the hon. Member to my reply of the 6th instant,† which explains the position of these two officers. It will be apparent that no question as to their being redundant arises.

Chancery Suitors' Fund.

MR. FIELD: To ask the Secretary to the Treasury whether he will explain the grounds on which the Comptroller and Auditor-General, in accordance with the directions of the Treasury and Lord Chancellor, keeps duplicate records of the Chancery Suitors' Fund Account (England); why the duties of the Comptroller and Auditor-General embrace the keeping of such duplicate records in addition to those of audit, how many clerks are at present employed on the Chancery Suitors' Fund in the Audit Office, and what is the present annual approximate cost; and, apart from duplication of work, what would be the approximate number of men required and the approximate annual cost if the duties of the Comptroller and Auditor-General on this work were confined to audit alone.

(*Answered by Mr. Runciman.*) The number of clerks employed in the Exchequer and Audit Department on the Chancery Suitors' Fund is one superintending officer, five or six examiners,* five abstractors, and one boy clerk, at an annual cost of about £2,260. If the duplicate ledgers were abolished the five abstractors could be dispensed with at an annual saving of about £500. The question of the retention of the duplicate ledgers is at the present time under consideration.

Transfer of Mr. Harty from Kinsale to Burnham.

MR. FIELD: To ask the Secretary to the Treasury whether he will explain the reason why Mr. Harty, now principal coast officer of Customs at Burnham, was removed from Kinsale; whether he will state the circumstances under which a telegram was sent to his successor, telling him not to take up the appointment; what were Mr. Harty's annual emoluments in Kinsale and in the new port to which he was transferred from there; whether £41 10s. naval reserve fees were due to him when he left Kinsale; and, if so, will he explain why only £24 of this amount was paid to him.

(*Answered by Mr. Runciman.*) This officer's removal took place twelve years ago. All the circumstances were fully investigated and the decision confirmed by the Treasury at the time, and I am not prepared to re-open the matter now.

Games in Royal Parks.

MR. LUTTRELL (Devonshire, Tavistock): To ask the First Commissioner of Works, whether his attention has been drawn to the action of a committee of the London County Council with regard to games in the London parks; and whether he could see his way to allowing some portions of the royal parks being used for the purposes of games.

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† See (4) *Debates*, clxxix., 1810–1.

*One examiner is engaged on this duty for half his time.

(*Answered by Mr. Harcourt*): I am not at present able to see my way to devote further accommodation for the playing of games in the royal parks. Facilities are now given for games organised under the education committee of the London County Council and will continue to be so afforded so far as space permits.

Blessington Steam Tram—Hours of Labour of Staff.

MR FIELD: To ask the President of the Board of Trade whether his attention has been called to the hours of duty worked by the men on the Blessington steam tram; and whether he will make inquiries into the matter.

(*Answered by Mr. Kearley.*) The attention of the Board of Trade has been called to this matter, and they are in communication with the company.

Facilities for Traders at Giggleswick and Settle Goods Stations.

MR. CLOUGH (Yorkshire, W.R. Skipton): To ask the President of the Board of Trade whether he has communicated with the Midland Railway Company regarding the provision of reasonable facilities for traders at the goods stations of Giggleswick and of Settle; and, if so, what is the nature of the Midland Railway Company's reply.

(*Answered by Mr. Kearley.*) The Board of Trade have communicated with the Midland Railway Company, but have not yet received their reply. So soon as an answer is received I will cause my hon. friend to be informed of its nature.

Lancashire and Yorkshire Railway Company and the Shipping of Coal at Goole.

MR. BRUNNER (Lancashire, Leigh): To ask the President of the Board of Trade whether his notice has been called to the fact that the Lancashire and Yorkshire Railway Company, who recently obtained from Parliament power to work steam vessels carrying cargo between the Port of Goole and various Continental ports, have given instructions that coal traffic destined for their own steamers is to have priority in berthing and loading facilities over coal traffic carried by steamship owners other than themselves, and destined for both English and Continental ports, by the allocation to such traffic destined for the railway company's steamers of one of the coal-loading berths at Goole; and whether the Board of Trade are prepared to take steps to prevent the railway company from persisting in a course seriously detrimental to the interests of other shipowners and traders using the port of Goole.

(*Answered by Mr. Kearley.*) I understand that the docks at Goole are owned by the Aire and Calder Navigation Company, but that there is a hoist at the docks belonging to the Lancashire and Yorkshire Railway Company. A question has arisen between the railway company and other steamship owners as to the use of this hoist, and the matter is now before the Court of the Railway and Canal Commission.

Kingsbridge Workhouse Diet.

MR. MILDMAY (Devonshire, Totnes): To ask the President of the Local Government Board whether, upon further consideration, he finds it possible to accede to the request of the Kingsbridge Board of Guardians that they should be allowed to serve the inmates of the Kingsbridge workhouse with a more generous diet.

(*Answered by Mr. John Burns.*) The proposal of the guardians would involve a departure from the Workhouse Regulation (Dietaries and Accounts) Order, 1900, and the Local Government Board do not consider it desirable to sanction departures from the Order in the case of individual unions, as one of the objects of the Board in issuing it was to obviate the necessity for such sanction. I should, therefore, be reluctant to deal exceptionally with this particular case, but the points to which the guardians have drawn attention have been noted with a view to consideration in the event of a revised Order being issued.

New Regulations Under the Vaccination Bill, 1907

SIR W. J. COLLINS: To ask the President of the Local Government

Board whether, in the event of the Vaccination Bill, 1907, passing into law, he will at once direct that revised notices to be given by registrars of births to persons registering the births of children containing the form of statutory declaration set out in the Schedule to the Bill, shall be supplied to registrars of births in the month of September so as to enable persons desirous of taking advantage of the Act in January, 1908, to be provided with the necessary forms in respect of children born within four months of the passing of the Act.

(*Answered by Mr. John Burns.*) I am aware that a new form of notice by registrars to persons registering the birth of children will be necessary in the event of the passing of the Bill. I am considering how far it may be practicable to meet the point suggested by my hon. friend.

Ingleton Angling Association Fishing Licence.

MR. CLOUGH: To ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, whether he is aware that the Lune, Wyre, Keer, and Cocker Fishery Conservators have again refused an application from the Ingleton Angling Association for a general licence; whether this is a refusal to comply with the Acts which govern the constitution of the Conservators' Board; and what steps, legal proceedings or other, it is proposed to take in order to secure obedience to those Acts.

(*Answered by Sir Edward Strachey.*) The Answer to the first part of my hon. friend's Question is in the affirmative. The Acts require the Conservators to grant a general licence on payment of such sum as the Conservators may determine, with the sanction of the Board of Agriculture and Fisheries, but I am advised that the Board are not in a position to compel the Conservators to grant a licence, and it rests with the Association to test the legality of their refusal. I think, however, that the difficulty might be met without resort to legal remedies, and we shall be glad to use our friendly offices to bring about a satisfactory settlement.

Increase of Pay of Dundee Police.

MR. WILKIE (Dundee): To ask the Secretary for Scotland if he could state the reason of the delay in the assent of the Scottish Office being given to the resolution of the Dundee City Council of last May granting the policemen of that city an advance of 1s. 9d. per head per week; and if he will state when an affirmative answer will be forwarded.

(*Answered by Mr Sinclair.*) The proposals advanced by the Dundee City Council raised questions of some intricacy involving comparison with the rates of pay enjoyed by other police forces. A letter has been despatched intimating to what extent the alterations suggested have been approved.

Charts of Loch Long.

MR. J D. WHITE (Dumbartonshire): To ask the Secretary to the Admiralty if he can say what is approximately the proportion of inches to the mile on the largest scale chart which includes that part of Loch Long in which it is proposed to have the torpedo range.

(*Answered by Mr. Lambert.*) Half-an-inch to the mile.

Loch Long Torpedo Range.

MR. J. D. WHITE: To ask the Secretary to the Admiralty, with reference to the proposed torpedo range in Loch Long, if he will say what will be the guaranteed minimum widths of the fairway navigable by the passenger steamers on Loch Long between the eastern side of the proposed torpedo range and the eastern side of the Loch at Ardmay Point, at Morlaggan, and at the target end of the range, respectively.

(*Answered by Mr. Lambert.*) These facts will all be brought out and discussed at the meeting on the 21st August. The proposal in the draft by-laws, Paragraph 8, is that the officer in charge of the range shall take care not to discharge a torpedo when a vessel or boat is seen to be about to cross the limits of the range area described in By-law 1.

Provision of Bibles for Non-provided Schools in Yorkshire.

MR. LANE-FOX (Yorkshire, W.R., Barkston Ash): To ask the President of the Board of Education whether the Board have received a complaint from the managers of a non-provided school that their request for the provision of Bibles for use in the school has not been complied with by the local education authority of the West Riding of Yorkshire.

(*Answered by Mr. McKenna.*) Yes, Sir, the complaint referred to was received yesterday.

Rebuilding of Irish National Schools.

MR. FETHERSTONHAUGH (Fermanagh, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether, in a case where a new national school is built to replace an old one and in a more convenient and accessible place, the Treasury regulations allow of building a larger school than the old one, to meet the expected greater attendance; what is the minimum space per head allowed by the regulations; have the Commissioners of National Education any power to vary or depart from the regulations; and is the space per head capacity of new schools in all cases to be rigidly calculated on the average attendance at the old school.

(*Answered by Mr. Birrell.*) In the case supposed in the Question, the accommodation to be provided in the new building is taken as the mean between the average number on the rolls and the average attendance at the old school during the preceding year. The minimum floor space for which provision must be made is ten square feet for each unit of the number for which accommodation is to be provided, but in schools to accommodate less that thirty-five pupils eleven square feet per unit is allowed. The Commissioners of National Education have no power to vary or depart from the regulations.

Pension of John Thomson, late Royal Artillery.

SIR JOHN BENN (Devonport): To ask the Secretary of State for War whether he is aware that pensioner John Thomson, late No. 3,895, corporal Royal Artillery, although discharged from the Army when a corporal has only received a private's pension; and whether, in view of the present ill health and circumstances of John Thomson, he will take steps to secure for him the increased pension due to a corporal who retires with good character.

(*Answered by Mr. Secretary Haldane.*) As this man on his discharge in 1882, after twenty-one years service, had not served for three years as a corporal, he was only eligible for the pension of a private, and there is no regulation under which the pension can be increased. He was not pensioned for disability, and he had no war service.

QUESTIONS IN THE HOUSE.

Ships Complements on the China Station.

MR. HUNT (Shropshire, Ludlow): I beg to ask the Secretary to the Admiralty, what is the actual complement of the two destroyers on the China station now commissioned by nucleus crews; and how soon these ships could be commissioned with full fighting crews without reducing the complement of other ships upon that station.

THE CIVIL LORD OF THE ADMIRALTY (Mr. LAMBERT, Devon, South Molton): Details of complement and the mobilising arrangements have always been, and must continue to be, treated as confidential. The necessary ratings are available.

The Coastguard.

MR. NIELD (Middlesex, Ealing): I beg to ask the Secretary to the Admiralty whether any, and, if any, which, of the coastguard stations are at the present time short of men; if he will state, in relation to each, the number of men they are short, and for how long such deficiency has existed; and whether he proposes, and when, to fill up such vacancies.

MR. LAMBERT: I must refer the hon. Member to the Answer given to his previous Question on the 31st July. So far as the requirements of the Services are concerned the coastguard stations are not short of men.

MR. NIELD: I beg to ask the Secretary to the Admiralty which of the coastguard stations have been found in excess of present requirements, and to what extent; what reductions have been made in such stations respectively; and when were they effected.

MR. LAMBERT: The Return now being prepared on the Motion of the hon. Member for the Abercromby Division of Liverpool will give information as to the coastguard stations which have been closed as being in excess of present requirements. Sixty-eight stations have been closed, involving a *personnel* of 316. Thirteen stations have been reduced on an average about two per station.

MAJOR SEELY (Liverpool, Abercromby): When will the Return be issued? It was asked for months ago.

MR. LAMBERT: It is in the hands of the printers.

MAJOR SEELY: Will it be before Parliament rises?

VISCOUNT TURNOUR (Sussex, Horsham): In what way have the conditions altered so as to reduce the number of men required in some cases?

*MR. SPEAKER: That is a rather large question which hardly arises out of that on the Paper.

MAJOR SEELY: Will the hon. Gentleman endeavour to let us have the Report before the House rises?

MR. LAMBERT: We will make every effort to do so.

MR. NIELD: I beg to ask the Secretary to the Admiralty what are the present requirements of the Board in relation to the complement of coastguard stations; whether any alteration has been made during the past two years in the standard of strength or of efficiency; and, if so, in what respect, and when was such alteration made.

MR. LAMBERT: The requirements of the coastguard stations as regards complements are determined generally now, as in the past, by the naval and revenue duties to be performed. The standard of strength varies from time to time.

Deptford Cooperage.

MR. T. F. RICHARDS (Wolverhampton, W.): I beg to ask the Secretary to the Admiralty whether he can state what was the number of casks made at the Deptford Victualling Yard Cooperage during the year 1906, and the number of men employed in this department during that year.

MR. LAMBERT: The total number of casks made at Deptford during 1906 was 12,983. The daily average number of persons employed upon cooperage work was forty-six.

War Office Administrative Staff.

SIR W. J. COLLINS (St. Pancras, W.): I beg to ask the Secretary of State for War whether the Departmental Committee on the training of officers for the administrative staff has presented its Report, and when will it be published; whether the results of the experimental course of instruction held at the London School of Economics are regarded as satisfactory; and whether it is proposed to continue it.

THE SECRETARY OF STATE FOR WAR (Mr. HALDANE, Haddington): I expect very shortly to be in receipt of this Report, and will consider whether it cannot be laid on the Table of the House. The results of the first experimental course of instruction have been so satisfactory that it has been decided to hold a second course in October next.

The Union Jack.

MR. HUNT: I beg to ask the Secretary of State for War in view of the fact that the Navy uses the pattern of the Union Jack decided upon in 1801, why and for what reason the pattern used by the Army has been altered.

MR. HALDANE: There is no difference between the Union Jack used by the Army and that used by the Navy. Does the hon. Member allude to the Army Council flag with the distinctive three cannons and three balls?

The Lord Mayor of Dublin's Army Captaincy.

MR. BOWLES (Lambeth, Norwood) I beg to ask the Secretary of State for War whether he is aware that the Lord Mayor of Dublin holds in perpetuity the rank of a captain of foot and draws the sum of £300 (Irish) annually from the Consolidated Fund as the pay of this rank; whether the name of this officer appears in the Army List; if not, what is the reason of its omission; and whether he has any claim upon this officer's services should they be required.

Mr. HALDANE: As the Chancellor of the Exchequer stated in answer to a Question on the 30th July, the Lord Mayor of Dublin receives a perpetual annuity, representing the pay of a captain of foot, which is charged upon the Consolidated Fund. The provisions of the Letters Patent of Charles II. regarding the rank and exercise of command by the Lord Mayor have become obsolete in course of time and he is no longer gazetted to hold rank in the Army. The Army has no claim upon his services.

Mr. LEA (St. Pancras, E): Is it still being paid to him?

Mr. HALDANE: Of course it is.

Mr. LEA: Is this Government going to stop it?

[No Answer was returned.]

Young Indians in England.

*Mr. REES (Montgomery Boroughs): I beg to ask the Secretary of State for India whether he will lay before the House the Report of, or the substance of the Report of, or any information concerning, the conclusions arrrived at by the Committee he has appointed to consider the question of giving advice and assistance to young men from India upon their arrival in this country.

The SECRETARY of STATE for INDIA (Mr. Morley, Montrose Burghs): The Committee have not reported yet, but I expect from the nature of the case that the report is likely to contain matter of a purely confidential character.

Death from Plague in India.

*Mr. REES: I beg to ask the Secretary of State for India whether the deaths from plague in June last amounted to more than ·2349 per mille; and whether the like figure for the six months ended June amounted to more than 3·6 per mille of the population of India; what are the losses from cholera and fever and other chief epidemics for the same period; whether the like figures are available in respect of other parts of Asia of more or less similar climatic conditions; and, if so, whether he will lay them before the House.

Mr. MORLEY: The hon. Member has correctly stated the mortality from plague in India as a whole during June last and the six months ending June respectively. I am unable to give the corresponding figures for other epidemic diseases, as the mortality from them is not reported month by month to me. In 1905, the latest year for which complete figures for British India are available, the mortality rates for cholera, small-pox and fevers were 1·97, 0·32, and 19·74 per mille respectively. I have no information that would enable me to reply to the last part of the Question.

*Mr. REES: Would it not be desirable when actual figures are given that the figures per mile should also be stated, so as to prevent involuntary comparison with a population like that of these Islands?

Mr. MORLEY: I will consider that.

Presbyterian Mission in Calcutta.

Mr. GULLAND (Dumfries Burghs): I beg to ask the Secretary of State for India whether he is aware that the Established Church of Scotland and the United Free Church of Scotland have recently united their mission in Calcutta, and that the Army Council have appointed a committee, composing representatives of the four great Presbyterian Churches in the United Kingdom, to advise upon the distribution and employment of Presbyterian chaplains; and whether, in view of these facts, he will consider the advisability of inquiring whether the time is ripe to throw open the Presbyterian chaplaincies in India to ministers of all Presbyterian Churches.

Mr. MORLEY: I shall be glad to consider any representations on the subject which may be addressed to me by the Presbyterian Churches.

Cason Mine Disturbances.

Mr. TREVELYAN (Yorkshire, W.R. Elland): I beg to ask the Under-Secretary of State for the Colonies whether he can give any information about the recent outbreak of Chinese coolies at the Cason mine and the reasons for its occurrence; how many Chinese have been repatriated up to this date owing to the expiry of their contracts; and how many will be due for repatriation up to the end of the present year.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.): The Secretary of State is informed by the Governor of the Transvaal that the outbreak at the Cason mine is under investigation. The ostensible cause would appear to be a desire on the part of the management to revise the terms of the existing piece-work agreement for drilling and to a misunderstanding as to the attitude of the coolies toward the proposal. The terms were published in advance and the management was led to believe by boss boys who said they represented the coolies that the terms would be generally acceptable. Opinion in the compound was, however, divided and a riot ensued. Two men were killed by the rioters, and two by shots fired by persons so far unknown. The murderers and the ringleaders have been arrested and the compound is quiet. As regards the second part of the Question, 573 labourers have been repatriated on the expiry of their contracts and the contracts of 15,890 expire up to the 31st December.

Isthmian Canal Labour.

MR. STAVELEY-HILL (Staffordshire, Kingswinford): I beg to ask the Under-Secretary of State for the Colonies how many labourers from Jamaica, Barbados, Trinidad, or any other islands in the British West Indies, are engaged on the Isthmian Canal.

MR. CHURCHILL: I can only refer the hon. Member to the reply given to a Question asked by the hon. Member for Darlington in very similar terms on the 29th July.†

Transvaal Bills.

MR. EVELYN CECIL (Aston Manor): I beg to ask the Under-Secretary of State for the Colonies if he will place in the library copies of the Bills recently introduced in the Transvaal Legislature dealing with questions of immigration, liquor laws, the field-cornet system, and the right of access by natives to the law courts.

MR. CHURCHILL: The Immigration Bill and the Bill to amend the liquor law which has been abandoned have been received and will be placed in the library. The other Bills will be placed there as soon as copies are received.

Hut Tax in British East Africa.

VISCOUNT CASTLEREAGH (Maidstone): I beg to ask the Under-Secretary of State for the Colonies whether, during his projected visit to British East Africa, he will inquire into the desirability of altering the method of collection of the hut tax in native districts, so as to provide that the system of payment of taxation to British authorities through the medium of chiefs or sub-chiefs with a commission of 5 per cent. on collection may be reconsidered, and, if desirable, abandoned.

MR. CHURCHILL: I will inquire into the matter, but so far as I am at present advised there is no reason to suppose that the present arrangement is not well adapted to the special circumstances of the East African Protectorate.

Panama Canal Labour Contract.

SIR J. RANDLES (Cumberland, Cockermouth): On behalf of the hon. Member for Kingswinford Division of Staffordshire, I beg to ask the Prime Minister whether, in view of the fact that it is impossible to enforce the terms of the Panama Isthmian Canal Labour Contract, the Government will consider the desirability of its abrogation.

MR. CHURCHILL: It might argumentatively be observed that if the Contract cannot be enforced against the United States Government it would become a dead letter, and it could evidently no longer be used as a binding form of agreement. But information on this point is still being sought, and, in the meanwhile, I should strongly deprecate any action which would seem to imply distrust in the ability and intentions of the Government of the United States of America to provide for the well-being of the labourers and to act towards them in strict good faith. His Majesty's Government feel no such distrust and have therefore no intention, as at present advised, of fettering the discretion of the Governor of Trinidad in regard to the recruitment of labour for Panama.

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† See (4) *Debates*, clxxix., 478, 479.

The Hague Conference and the Limitation of Armaments.

Mr. CARLILE (Hertfordshire, St. Albans): On behalf of the hon. Member for the Ecclesall Division of Sheffield, I beg to ask the Secretary of State for Foreign Affairs if he is now in a position to announce the terms of the resolution to be moved by the British delegates at The Hague on the question of limiting armaments.

The SECRETARY of STATE for FOREIGN AFFAIRS (Sir Edward Grey, Northumberland, Berwick): I can only repeat the replies I gave to the hon. Members for Andover and Norwood on the 1st instant.† It would hardly be courteous to the Conference for me to make any anticipatory statement of the terms of any resolution that may be brought before them.

Trinidad Labour Ordinance.

Mr. CARLILE: On behalf of the hon. Member for the Ecclesall division of Sheffield, I beg to ask the Secretary of State for Foreign Affairs, if he can now state what Court decided that the recent Trinidad Ordinance cannot be enforced in the Panama zone; what was the *status* of the Court which pronounced this verdict; and has notice of appeal been given.

Sir EDWARD GREY: It is presumed that the hon. Member refers to a decision stated to have been given by the Supreme Court of the United States, by which it has been laid down that the Isthmian Canal Commission, with whom the contract entered into by Trinidad labourers is made, are part of the United States Government, and therefore cannot be sued for breach of contract. His Majesty's Government having received information to this effect, His Majesty's Ambassador at Washington has been instructed to report whether such a decision has been given. Until His Excellency's Report is received I am not in a position to furnish the hon. Member with any further information.

Mr. CARLILE: Shall I put another Question down?

Sir EDWARD GREY: No, I will send the hon. Member the information.

Trade in Venezuela.

Mr. MITCHELL-THOMSON (Lanarkshire, N.W.): I beg to ask the Secretary of State for Foreign Affairs whether His Majesty's Government are taking any steps, and if so, what steps, to secure the removal of the surtax of 30 per cent. on all goods shipped to Venezuelan ports from the West Indies, which was imposed by the Venezuelan Government in 1881 in contravention of Article 4 of the treaty of 1825.

Sir EDWARD GREY: I regret to state that I can add nothing to the Answer which I returned to the hon. Member on this subject on July 28th, 1906‡.

Mr. MITCHELL-THOMSON: Are negotiations in progress?

Sir EDWARD GREY: The question has been discussed.

Civil Service Superannuation.

*Mr. REES: I beg to ask Mr. Chancellor of the Exchequer whether he is aware that no steps have yet been taken to repeal the seventh section of the Superannuation Act of 1859, though its immediate repeal was recommended by the Royal Commission on Civil Establishments in 1888; and whether, in these circumstances, any civil servant retiring on account of abolition of office is entitled to part of the extra allowances or benefits contemplated and provided by an unrepealed Act, even though his retirement did not result in the maximum amount of saving to the State as between salary and pension.

The CHANCELLOR of the EXCHEQUER (Mr. Asquith, Fifeshire, E.): The answer to the first part of the question is in the affirmative; to the second part in the negative. My hon. friend will observe that the provisions of the section in question are permissive only; and since the recommendation of the Royal Commission, the Treasury has made it a rule not to grant the additional allowances contemplated by the section, except under special circumstances which rarely arise.

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† See (4) *Debates*, clxxix., 1211–2.

‡ See (4) *Debates*, clxii., 213.

English Channel Fishery.

MR. MILDMAY (Devonshire, Totnes): I beg to ask the President of the Board of Trade whether he is contemplating the possibility of arranging, in the interests of the fishermen of the South Coast, an English Channel Fishery Convention on the lines of the North Sea Convention.

THE PARLIAMENTARY SECRETARY TO THE BOARD OF TRADE (Mr. KEARLEY, Devonport): Yes, Sir, the matter is now receiving the careful consideration of the Board of Trade and the Foreign Office.

Seamen's Contracts.

MR. HAVELOCK WILSON (Middlesbrough): I beg to ask the President of the Board of Trade whether he is aware that in some of the principal shipping ports of the United Kingdom the superintendents are failing to report to the Board of Trade cases where seamen fail to join their vessels after signing the articles of agreement; and whether he will issue instructions to the superintendents requesting them to report all such cases of failures to join to the Registrar-General, in order that the certificates of such seamen may be dealt with in accordance with the Merchant Shipping Act of 1906.

MR. KEARLEY: The Board of Trade are not aware that superintendents are omitting to report cases where it is shown to their satisfaction that a seaman has wilfully or through misconduct failed to join his ship. In order, however, to remove any possible misconception of the requirements of the section, further instructions will be issued to superintendents in regard to the matter.

MR. HAVELOCK WILSON: Is it not the fact the Merchant Shipping Act provides that the superintendent shall report all cases?

MR. KEARLEY: Yes, that is so.

Seamen's Qualifications.

MR. HAVELOCK WILSON: I beg to ask the President of the Board of Trade whether he is aware that the British Vice-Consul at Rotterdam will not permit any seamen to engage on vessels belonging to the Furness line as A.B.'s unless such seamen can prove three years sea service, and that at the same time on all other vessels, where the crews are supplied by the Rotterdam shipping masters, men are accepted as qualified able seamen although unable to prove three years sea service; whether he can say why the British Vice-Consul makes this distinction between vessels of the Furness line and other vessels; and whether he will cause inquiries to be made with regard to the conduct of this Vice-Consul at Rotterdam, and call upon him for the ground on which he can reconcile his different conduct in the two cases.

MR. KEARLEY: The Board of Trade are informed by the Vice-Consul at Rotterdam that no distinction is made by him between vessels of the Furness line and other vessels.

The "Palastrina."

MR. HAVELOCK WILSON: I beg to ask the President of the Board of Trade whether he is aware that the British steamer "Palastrina" engaged a crew at Rotterdam on or about the 30th July, 1907; whether the British Vice-Consul allowed four seamen to be signed on the articles of the vessel as A.B.'s, not one of whom was able to prove that he had three years sea service; whether the "Palastrina" is now lying at Cardiff; and, if so, whether he will cause inquiries to be made at Rotterdam and Cardiff as to the want of three years sea service of these men who were signed on as able seamen.

MR. KEARLEY: The facts are as stated by my hon. friend. An assurance has, however, been received from the Vice-Consul that in future seamen who cannot prove the necessary sea service will not be given the rating of A.B.

MR. HAVELOCK WILSON: May I call the hon. Gentleman's attention to his previous Answer? He now admits that the Vice-Consul has been signing men on as A.B.'s who could not prove three years service, and before that he said no distinction was made.

MR. KEARLEY: Both Answers are accurate.

MR. HAVELOCK WILSON: Is the hon. Gentleman aware that the "Palastrina" is not one of the Furness line, and that before men are allowed to sign on for the Furness boats the Vice-Consul is particular to see that they prove three years service? Did he not in this case overlook the provision and allow incompetent men to sign on?

MR. KEARLEY: I do not admit that at all. If the hon. Member has any further information I shall be pleased to consider it.

Railway Dining Car Attendants.

MR. HUDSON (Newcastle-on-Tyne): I beg to ask the President of the Board of Trade if his attention has been called to the number of hours worked by the dining-car staff engaged on the important trains on the principal railways of Great Britain; whether he can see his way to request the several railway companies to furnish a complete Return of the actual hours this class of servants were on the trains each turn of duty during the month of July, 1907; and what other steps he proposes to take, if any, in this matter.

MR. KEARLEY: Dining car attendants would not appear to come within the scope of either the Regulation of Railways Act, 1889, or the Railway Regulation Act, 1893, and the Board of Trade have therefore no powers which would enable them to take the action suggested.

MR. HUDSON: Under what Department do these men come?

MR. KEARLEY said that although by Act of Parliament certain powers had been given to the Board, these men did not come within their scope. The Regulation of Railways Act, 1889, applied only to servants whose duties involved the safety of trains or passengers, while the Act of 1903 dealt with men engaged in working the traffic. These men came within neither category, and the Board consequently had not the power the hon. Member seemed to think.

MR. LEIF JONES (Westmoreland, Appleby) asked whether the Government were not in a position to bring influence to bear on the railway companies to arrange proper hours.

MR. KEARLEY said they could make representations, but there was no statutory force behind them.

MR. HUDSON: Seeing that these men are employed on the trains will the hon. Gentleman further consider their case?

MR. KEARLEY: Yes, Sir.

MR. LEIF JONES: And will representations be made to the railway companies?

MR. KEARLEY: Yes, for what they are worth.

Conviction under the Merchant Shipping Act at Middlesbrough.

MR. HAVELOCK WILSON: I beg to ask the President of the Board of Trade whether his attention has been called to the conviction under the Merchant Shipping Act, 1906, of a seaman named Thomas M'Atanney, at Middlesbrough on 23rd July; whether he is aware that M'Atanney signed on the steamer "Lady Lewis" on the 5th July and failed to join that ship, and afterwards signed on the 16th July on the steamer "Oakby," and failed to join that ship either; whether he can say if M'Atanney produced a discharge book when signing on the "Oakby"; and whether he will call the attention of the owners to the fact that seamen are being engaged on their vessels without producing certificates of discharge, and thereby encouraging men to obtain employment who make it a habitual practice to sign on ships and not go to sea in them.

MR. KEARLEY: The attention of the Board of Trade has been called to the conviction, under Section 65 (1) of the Merchant Shipping Act, 1906, of the seaman referred to by my hon. friend. I am aware of the seaman's failure to join the "Oakby" but, in the case of the "Lady Lewis," I am informed that the master on the arrival of the vessel at Cardiff reported that he had discharged the seaman at Middlesbrough. The seaman did not produce a discharge book when signing on the "Oakby" as his book had not yet been returned from Cardiff to Middlesbrough. The attention of the owners of the "Oakby" has been called to my hon. friend's Question, and the Board of Trade will also communicate with shipowners generally in regard to the subject.

Lord Strathcona and the All-Red Route.

MR. BYLES (Salford, N.): I beg to ask the President of the Board of Trade whether the present visit of Lord Strathcona to Canada has any bearing on the suggested subsidies by this country to certain railway and steamship routes to the Australian Colonies; and does he carry any instructions or authority from His Majesty's Government, or can the House be assured that no encouragement will be given to the Canadian proposal to establish what is known as the All-Red route.

MR. KEARLEY: The Board of Trade have no knowledge of the objects of Lord Strathcona's visit to Canada. As has already been stated in answer to previous Questions, His Majesty's Government has the matter of the proposed All-British Route under consideration, and I am not at present in a position to make any further announcement on the subject.

London Traffic.

SIR J. DICKSON-POYNDER (Wiltshire, Chippenham): I beg to ask the President of the Board of Trade whether he can definitely state that the branch in connection with London traffic, recently established in his office, is to be of a temporary character; whether it has been established pending legislation next session; and whether he can state what duties in connection with traffic this newly-appointed branch of the Department will be asked to perform.

MR. KEARLEY: Yes, Sir. It is not contemplated that the traffic branch should be of more than a temporary character, and its establishment is without prejudice to any future legislative proposals that may be made. Among the duties of the branch at the outset will be the collection of information and statistics with a view to bringing and keeping the Report of the Royal Commission up to date and the preparation of an annual Report with regard to London traffic for presentation to Parliament, the preliminary examination of new schemes seeking statutory authority so far as these come within the scope of the Board of Trade, and the consideration of any other questions affecting traffic in Greater London that the Departments concerned may desire to refer to it.

SIR J. DICKSON-POYNDER: May I ask the hon. Gentleman what steps have been taken to empower the Commissioner to deal with items of London traffic which stand outside the scope of the Board of Trade? The duties of such a Commissioner would be very limited unless they were extended to the Home Office and the Local Government Board.

MR. KEARLEY: I could not answer that offhand.

LORD R. CECIL (Marylebone, E.): Is it intended to introduce legislation next session dealing with this traffic question?

MR. KEARLEY: No doubt legislation will follow in due course, but whether next session or the session after I really cannot say.

LORD R. CECIL: Is the hon. Gentleman aware that it is a considerable time since the Report of the Royal Commission, and there is a great difficulty with reference to London traffic? Either you must hang up schemes which are or may be of great advantage to the public, or else you must allow them to proceed at the risk of throwing out the whole subsequent development of the question.

MR. KEARLEY: I can assure the noble Lord that we are fully alive to the necessities of the case.

SIR J. DICKSON-POYNDER: Are the Board satisfied that they have statutory powers to examine private Bills under the present law?

MR. KEARLEY asked for notice of the Question.

Sir Hugh Owen.

DR. COOPER (Southwark, Bermondsey): I beg to ask the President of the Local Government Board if he can state whether Sir Hugh Owen, late Permanent Secretary to the Local Government Board, still holds any appointment as an official of a public authority for which he receives a salary; whether he is in receipt of a pension; and, if so, whether a reduction is made in this pension by the amount of the salary he receives from the appointment.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. JOHN BURNS, Battersea): Sir Hugh Owen is receiver of the Metropolitan Common Poor Fund, and also examiner of costs under the Borough Funds Acts, the net emoluments of these offices being £265 per annum. He is in receipt of a pension, and no deduction is made from it. The emoluments of the offices above-mentioned are not payable from Imperial funds.

Education Department Consultative Committee.

SIR J. RANDLES: On behalf of the hon. Member for the Kingswinford Division of Staffordshire, I beg to ask the President of the Board of Education if he will give the names of the members of the Consultative Committee, the date of its formation, and the purposes for which it was formed.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. McKENNA, Monmouthshire, N.): The Consultative Committee consists at present of twenty-one members; I will send the hon. Member the names. The Committee was established on the 1st October, 1900, by an Order in Council under Section 4 of the Board of Education Act, 1899. The purposes for which it is formed are laid down in that section.

SIR PHILIP MAGNUS (London University): Are the members of this Committee appointed for life?

MR. McKENNA: I really cannot say without reference to the Act.

Secondary School Grants.

SIR J. RANDLES: On behalf of the hon. Member for the Kingswinford Division of Staffordshire, I beg to ask the President of the Board of Education if he will state what education standard a secondary school must possess in order to obtain the increased grant for secondary schools over and above the educational standard attained by schools earning only the lower grant.

MR. McKENNA: None, Sir.

Neckinger Council School, Bermondsey.

DR. COOPER: I beg to ask the President of the Board of Education whether his attention has been drawn to the statement of the medical officer of health for Bermondsey as to the verminous and insanitary condition of the Neckinger London County Council school, Bermondsey; and whether he will require the school to be placed in a sanitary and cleanly condition before the children return to school after the holidays.

MR. McKENNA: My attention has not been drawn to the statement referred to, but I have given directions for the matter to be investigated.

The Antwerp Shipping Dispute.

MR. THORNE (West Ham, S.): I beg to ask the Postmaster-General if the Peninsular and Oriental Shipping Company receive a subsidy from the Government in consequence of carrying the mails; if he is aware that the company in question shipped 1,600 persons in their boat "Borneo," which left the Albert Dock on Saturday morning last for Antwerp, to take the places of the dockers who were out there owing to a dispute with some of the shipping companies; and whether he intends taking any action in the matter.

CAPTAIN NORTON (Newington, W.; for Mr. SYDNEY BUXTON): The Peninsular and Oriental Company receives a subsidy for the conveyance of mails. My right hon. friend has no knowledge of the circumstances to which the hon. Member refers. The matter does not appear to be one in which he could take any action.

Irish Land Purchase.

MR. FETHERSTONHAUGH: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland what is the total amount of the agreed purchase money in the agreements for sale under the Purchase of Land (Ireland) Act, 1903, lodged with the Land Commission to 30th June, 1907; how much money has been allocated by the Commission in payment of purchase money to the same date; how much money is now available for completion of the agreed sales; and is it proposed to find funds for the restoration of evicted tenants and the expropriation of new tenants or planters in priority to the funds required to complete the agreed voluntary sales under the Act of 1903 for which agreements have been lodged with the Estates Commissioners.

The CHIEF SECRETARY for IRELAND (Mr. Birrell, Bristol, N.): The total amount of the purchase money involved in the agreements lodged up to 30th June last, including sales to the Estates Commissioners and the Congested Districts Board, was in round numbers £47,500,000, of which £17,500,000 had been advanced up to that date. Money is at present being supplied to the Irish Land Purchase Fund by the National Debt Commissioners as and when required. The provision of funds for the purchase of lands under the Evicted Tenants Bill will not affect the provision of funds for ordinary land purchase under the Act of 1903. An additional and separate staff has been, and will continue to be provided for the work to be done under the Evicted Tenants Bill, and funds will be provided for the purposes of that Bill *pari passu* with the provision of funds for ordinary land purchase.

Mullaghboy—Robbery of Postman.

Mr. STAVELEY-HILL: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that on 23rd July the postman from Carrigallen S.O. to Mullaghboy was attacked by three men disguised as women, who took from him five letters supposed to contain writs; and whether he will state why it was not considered necessary to afford the postman protection in this case, in view of the instructions issued to the local police by the police authorities in the matter.

Mr. BIRRELL: The police authorities inform me that the facts are as stated in the first part of the Question. Letters containing writs are usually registered, but in this case the letters were ordinary post letters. The local police had no reason to apprehend that the contents of these letters would become known before delivery, otherwise special protection would have been given to the postman.

The Theft of the Irish Crown Jewels.

Mr. J. MACVEAGH (Down, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland with regard to the recent disappearance of Crown jewels from Dublin Castle, whether the jewels have yet been traced, recovered, or redeemed; and, if so, under what circumstances.

Mr. BIRRELL: The reply is in the negative. The jewels have not been traced, recovered, or redeemed.

*Mr. PATRICK O'BRIEN (Kilkenny): What efforts have the police made to detect the loyal and patriotic Unionist criminals who stole these jewels? Have they searched the haunts of the aristocratic loyal and patriotic Unionist criminals, the Kildare Street Club, for instance.

Mr. BIRRELL: As we have no means of knowing who the thieves or receivers are, any speculation as to their politics would be out of place.

Mr. PATRICK O'BRIEN: Is it not the fact nobody had access to this part of Dublin Castle where the Crown jewels were kept except persons known to be loyal and patriotic Unionists?

[No Answer was returned.]

Irish Land Annuities.

Mr. FETHERSTONHAUGH: I beg to ask the Secretary to the Treasury if he will state in what way the payment of part of his annuity in Guaranteed Land Stock, by a purchaser under the Purchase of Land (Ireland) Act, 1891, would be unfair to other purchasers who did not choose to avail themselves of this mode of payment; who is, or are, the person or persons whose duty it is to make the rules, under Section 2 of the Act of 1891, to enable payments to be made in Guaranteed Land Stock; and is the £13,900,000 of existing Guaranteed Land Stock only very little, and how much, less than the total outstanding advances under the Act of 1891.

The FINANCIAL SECRETARY to the TREASURY (Mr. Runciman, Dewsbury): (i). The Sinking Fund instalments payable under the Act of 1891 have to be accumulated by the National Debt Commissioners until such time as the amount so accumulated will redeem the original advance in Guaranteed Land Stock. The National Debt Commissioners apply all receipts on the accumulation account to the purchase of Guaranteed

Land Stock at the prices obtaining from time to time, and when the Stock is below par the Stock credited to the tenant purchasers is in excess of the cash invested, and the benefit of such purchases accrues to the tenant purchasers as a whole, the period for which the annuity is payable being reduced accordingly. Owing to the large number of purchasers under the Act, about 46,000, the only practicable way of accumulating the Sinking Fund is to deal with the payments as a whole so that any advantage arising from the Stock being procurable below par may be equitably distributed. If one section of the tenant purchasers were to pay their instalments in Stock the progress of the accumulation would be retarded by the action of that section of tenant purchasers, whereas they would share equally with the rest in the benefit arising from payments in cash although they would have contributed nothing to produce that benefit, and those who paid in cash would suffer to a corresponding extent. (ii.) It is, of course, the Treasury who were given power to make a rule under the section referred to. (iii.) The existing Guaranteed Land Stock at 31st March last was £12,741,000, which amount has to be redeemed by the accumulation of the Sinking Fund instalments. Up to the same date the accumulation account had acquired £966,000 Stock, but of the remaining £11,775,000 only a small proportion was in the hands of the public.

Business of the House.

SIR BRAMPTON GURDON (Norfolk, N.): I beg to ask the Prime Minister whether he can afford facilities for the final stages of the Deceased Wife's Sister Bill.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): Yes, Sir; in view of the fact that this Bill has passed through all its stages in this House with the exception of part of the Report stage and the Third Reading, and of the very large measure of support which it has received at every stage, the Government propose to afford facilities for this Bill. The object of the Bill has gained steadily for many years in Parliamentary support, and the opposition to it has correspondingly dwindled. We think it is high time that the matter was settled. Perhaps I may be allowed to add that the other Bills for which we propose to give facilities are: The Limited Partnerships Bill and the Advertisement Regulations Bill. In regard to both of these it only remains to find time for consideration of the Lords' Amendments. The Lights on Vehicles Bill will also be starred, but it is proposed to exclude Scotland from its operation. We also hope to give facilities for the Notification of Births Bill, but this must depend upon the Bill being agreed to.

SIR BRAMPTON GURDON: Can the right hon. Gentleman say when the Bill will be taken?

SIR H. CAMPBELL-BANNERMAN: I hope to-morrow night.

Crown Ecclesiastical Patronage.

MR. AUSTIN TAYLOR (Liverpool, East Toxteth): I beg to ask the Prime Minister if his attention has been called to a recent utterance of the Bishop of London in which he exhorted the Crown to reconsider its present method of exercising ecclesiastical patronage; if he proposes to take any steps to avoid a repetition of the procedure recently adopted, with the approval of the bishop, by which the induction of an evangelical clergyman appointed by the Crown to the living of St. Saviour's, Hoxton, was prevented; and if it is proposed to transfer the patronage of this living from the Crown to the sole patronage of the Bishop of London.

SIR H. CAMPBELL-BANNERMAN: I have seen a report of the sermon to which my hon. friend appears to allude, but I cannot find any exhortation in it. The Vicar of St. Saviour's, Hoxton, was, I understand, allowed by the bishop to withdraw his resignation before his living was declared vacant. I have no control over these proceedings. I am considering whether the names of Crown nominees should be divulged in future before the vacancies actually occur. An arrangement has been for some time under consideration whereby there would be an interchange of shares of patronage, that is of alternate rights of patronage, between the Crown and the bishop. If this exchange is carried out this particular living would pass wholly to the bishop—others of equivalent value passing wholly to the Crown.

The Belfast Riots.

Mr. CURRAN (Durham, Jarrow) asked the Chief Secretary to the Lord-Lieutenant of Ireland whether, in view of the grave condition of affairs in Belfast, the Government would immediately take steps to prevail upon the railway and shipping companies to recognise the desirability of submitting all points of dispute to arbitration, and also in the meantime have the troops withdrawn for a stipulated period, with a view to securing a peaceful settlement.

Mr. MARKHAM (Nottinghamshire, Mansfield): Before the right hon. Gentleman answers that Question, may I ask him whether he is aware of the speech made by a Member of this House at Belfast, in which he said that although the people of Belfast had no swords or guns they had broken bottles, and whether he proposes to take action against the hon. Member for inciting the people to riot?

Mr. STANLEY WILSON (Yorkshire, E.R., Holderness): Don't give him a free advertisement.

Mr. BIRRELL: I can assure the hon. Member for Jarrow, who has given me notice of his Question, that the Government are fully alive to the urgency of this matter, and are doing all they can to secure a settlement of this most unfortunate strike. It will be remembered that two representatives of the Labour Federation, Messrs. Mitchell and Gee, did in the earlier stages of the dispute go over to Belfast, and did their best to secure a settlement, with very considerable beneficial results. I cannot but believe that, had they remained, all the difficulties would by this time have been overcome. Unfortunately, they were obliged to leave. I have arranged with the President of the Board of Trade that he should send over, and he is sending over to-day, one of these gentlemen, Mr. Mitchell, who is now a temporary servant of the Board of Trade; and he is going accompanied by a permanent servant of the Board of Trade in the Labour Department. They will at once do what they can to place themselves at the disposal of all parties. I have also just heard, I think somewhat authoritatively, from the representative of the trade unionist party in Ireland and the trade unions, that they are perfectly willing to refer this matter to arbitration. They suggest the name of Mr. Carlisle, an active member of the firm of Harland and Wolff, who are one of the largest, if not the largest, employers of labour in the United Kingdom. They say also that failing him they would be willing to allow the matter to be referred to Sir Antony MacDonnell. This, at all events, shows a disposition on their part to refer all these matters in dispute to arbitration. I have the most earnest hope, and am not altogether without some confidence, that in the course of a few hours we may hear that these negotiations which are going on on all sides have had a satisfactory result. Every effort, so far as I can do anything, will be in the interests of peace. So far as the removal of the troops is concerned, that is a matter entirely in the hands of the civil authority, and it is for them to consider the propriety of any such step. I have no responsibility; but from the information within my reach, I cannot say that I think any such proposal as that would add to the general sense of security on the part of the whole city of Belfast, whose interests must not be overlooked even in the presence of this most lamentable strike.

Mr. CURRAN asked if the right hon. Gentleman was aware that the reason of the breakdown of the negotiations with Messrs. Mitchell and Gee arose entirely from the obstinate position taken up by the railway company.

Mr. BIRRELL: I do not think it is desirable for me at the present time to express any opinion.

Mr. SLOAN (Belfast, S.) asked whether the recent visit of Sir Antony MacDonnell was not with a view to arbitration, and, if so, whether he had reported the result of his inquiry.

Mr. BIRRELL: Sir Antony MacDonnell went as a representative of the Government to ascertain facts for my information. I do not think I am at liberty to say more.

Mr. ARTHUR HENDERSON (Durham, Barnard Castle) asked whether a full and complete inquiry would be made into the circumstances which had led to such disastrous results.

Mr. STANLEY WILSON asked whether it was not the fact that the soldiers and the police had exercised the most wonderful self-control during the riots.

Mr. J. MACVEAGH (Down, S.) asked the right hon. Gentleman to say who were the civil authorities referred to who ordered out the military, seeing that the Lord Mayor did not consult the city magistrates or the city corporation.

*Mr. CHIOZZA MONEY (Paddington, N.) asked whether the introduction of the military in Belfast was not chiefly owing to the extreme pressure brought to bear on both the local authorities and the Irish Office by the Shipping Federation, who wrote to the right hon. Gentleman on 25th July a threatening letter which contained the phrase that failing strong action by the Government they themselves would use force, that they would organise a force of their own, and whether the right hon. Gentleman had sent any reply to this letter depecating the use of such minatory language.

Mr. MARKHAM: Will the right hon. Gentleman reply to the question I have put to him?

*Mr. SUMMERBELL (Sunderland): May I ask the right hon. Gentleman whether, considering the nature of the missiles used by the crowd in Belfast, and the fact that such crowd contained a large number of innocent women and children, he does not consider that the order to shoot by the troops with intent to kill was wholly unnecessary and unjustifiable?

Mr. HALDANE: I have a report here which tells the story related by the military commander, and I will read the details of it. It is dated the 12th, but it contains a narrative of what happened on the two days—

> "Military report on the situation in Belfast during Saturday and Sunday, 10th and 11th August—

> "Belfast, 12th August, 1907.—I have the honour to report that the troops were on picket duty in the streets on Saturday. All was quiet till about 12 noon, when a determined attack was made on some wagons of Messrs. Hughes in the Nationalist quarter in the Falls Road. Two pickets of the 1st Royal Berkshire Regiment came to help the police and formed a cordon across the street, afterwards falling in in rear of the wagons and escorting them down the road. The troops were greatly hampered in taking any offensive action, as three-quarters of the mob consisted of women and children, the men remaining in rear and throwing paving stones and broken bottles. Second Lieutenants Allfrey and Harvey and ten non-commissioned officers and men were cut about the head with missiles. The disturbance appeared purely local, and I am taking measures in concert with the police to guard against attacks on the pickets in this quarter. The conduct of the 1st Royal Berkshire pickets was admirable, all ranks showing the greatest forbearance and steadiness under the most trying circumstances. No troops were on picket duty yesterday (Sunday). At 7.15 p.m., however, an urgent telephonic communication was received from the Commissioner of Police that a serious riot had broken out again in the Falls Road district, and requesting that all available troops in the garrison should at once proceed to the vicinity. Within five minutes of the message being received all three battalions at Ormeau Park were under arms, the two battalions at Victoria Barracks and two troops of cavalry following shortly afterwards. On arrival at Cullingtree Police Barracks, which appeared to be the centre of the riot, the troops were halted. After consultation with the Commissioner of Police, it was decided to block the entrances to the streets to the north of the Grosvenor Road with a view to localising the disturbance, and also separating the Protestant and Catholic quarters north and south of the above road. A picket of fifty men of the 2nd Essex Regiment were ordered, in company with about twenty of the constabulary, to occupy a post about 150 yards north of the police barracks. The party were received with volleys of stones, and it was found necessary to clear the three worst streets at the point of the bayonet. The mob, however, did not await the charge, but fled down the streets, the inhabitants covering their escape by throwing stones, tin pots, filth, and other missiles from the upper windows. The charge, however, had a good moral effect, no further trouble taking place in this quarter. More stone-throwing took place at the picket of the 4th Middlesex Regiment guarding the debouches into the Grosvenor Road, and the cavalry had several times to clear the streets, followed up by parties of the infantry. The rioting gradually ceased, and about twelve midnight all troops returned to quarters. I regret to say that one officer (Second Lieutenant Passingham, 4th Middlesex Regiment) and seventeen non-commissioned officers and men are under medical treatment, all suffering more or less severely from contused wounds, chiefly in the head, caused by paving stones thrown at distances of nine or ten yards. The brunt of the fighting fell on the 4th Middlesex Regiment, two troops 3rd Dragoon Guards, and a picket of the 2nd Essex Regiment, mentioned above. The conduct of these corps was admirable, and there was never the slightest sign of the troops getting out of hand, though they often had to stand being mercilessly pelted at short ranges without being allowed to retaliate. The police co-operated splendidly with the troops, and

some twenty arrests were made. Some portable searchlights would be of the greatest assistance and would save many casualties, as prior to commencing operations the mob extinguishes all street lamps. Wires and ropes were also fixed across the streets to impede the cavalry."

I have just received the following telegram—

"Victoria Barracks, Belfast, 13th August, 1907.—Serious rioting last night. At 5.30 p.m. I placed troops in five posts round disaffected area with orders not to expose men unless necessary and keep rioters in their own quarter of city. Reserve at Ormeau Park and Victoria Barracks. Mob attacked and broke all windows of Cullingtree Road Police Barracks. Rifle Brigade charged out and made twenty-five prisoners. This moved mob to Falls Road Barracks. Here the picket was so hardly pressed that the magistrate ordered troops to fire. Seven rounds were fired, three people killed, one, I regret to say, a woman, and several wounded. Reinforcements arrived about 8.15., and troops were able to hold their own. About 12.30 the troops returned to barracks, leaving a detachment at Falls Road, which left for barracks at 1.30; casualties fifteen, only three of these serious."

Mr. J. MACVEAGH: Will the right hon. Gentleman tell us who is the local authority who ordered out these troops? Is the right hon. Gentleman aware that the Lord Mayor did not consult the city magistrates nor did he consult the corporation; and I will further ask him can the Lord Mayor of a city call out the military on his personal responsibility?

Mr. HALDANE: I must have notice of that Question. The conditions under which the troops were called out are laid down in the King's Regulations.

Mr. CURRAN: Is the right hon. Gentleman aware that my colleagues and myself on these benches have counselled peaceful behaviour during the whole strike?

Mr. HALDANE: I have no reason to doubt that. My opinion is that the people who have been taking part in these lamentable attacks are not strike workmen.

Mr. MARKHAM: Will the right hon. Gentleman answer my Question, whether he knows that a Member of this House advocated to the people of Belfast that they should throw broken bottles at the troops if they had not swords or guns, and what action he proposes to take to prosecute that Member?

Mr. STANLEY WILSON: For inciting to riot.

Mr. J. MACVEAGH: Is it not a fact that this speech was delivered in England, and that England is not within the jurisdiction of the Chief Secretary for Ireland?

Mr. BIRRELL: The matters which are engaging my attention and also the attention of the people of Belfast have not allowed me a moment to pay attention to the wild language which has been used, and to which no importance is attached in Belfast. The hon. Member paid a hasty visit to Belfast and disappeared very soon. Belfast people with all their faults are not likely to take any guidance from him. With reference to the letter that was addressed to me by the Shipping Federation, I dare say its terms were not very proper, and I have pointed out that in my reply. But I can say for myself that no pressure was put upon me or on any of us by the terms of that letter.

BUTTER AND MARGARINE BILL.

Lords Amendments to be considered upon Friday, and to be printed. [Bill 312.]

PUBLIC WORKS LOANS [REMISSION, ETC.]

Committee to consider of authorising the extension of the period for repayment of certain Loans made by the Commissioners of Public Works in Ireland, and of authorising the remission of a debt due to the Public Works Loan Commissioners, in pursuance of any Act of the present session, to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans (King's recommendation signified), To-morrow (*Mr. Runciman*).

EMPLOYERS' LIABILITY (INSURANCE COMPANIES) BILL.

Reported, with Amendments, from Standing Committee C.

Report to lie upon the Table, and to be printed. [No. 303.]

Minutes of the Proceedings of the Standing Committee to be printed. [No. 303.]

Bill, as amended (by the Standing Committee), to be taken into consideration To-morrow, and to be printed. [Bill 311.]

SELECTION (STANDING COMMITTEES).

Sir WILLIAM BRAMPTON GURDON reported from the Committee of Selection; That they had discharged the following Member from Standing Committee C: Mr. Munro Ferguson; and had appointed in substitution: Mr. Rufus Isaacs.

Sir WILLIAM BRAMPTON GURDON further reported from the Committee; That they had discharged the following Members from Standing Committee C (in respect of the Companies Bill [Lords]): Mr. Thornton, Earl Percy, and Mr. Pickersgill; and had appointed in substitution (in respect of the Companies Bill [Lords]): Mr. Hills, Mr. Fell, and Mr. Berridge.

Sir WILLIAM BRAMPTON GURDON further reported from the Committee; That they had added the following Member to Standing Committee C: Mr. Cave.

Reports to lie upon the Table.

NEW BILL.

EXPIRING LAWS CONTINUANCE BILL.

"To continue various Expiring Laws," presented by Mr. Runciman; to be read a second time To-morrow, and to be printed. [Bill 313.]

SMALL HOLDINGS AND ALLOTMENTS BILL.

As amended (by the Standing Committee), further considered.

MR. CHAPLIN (Surrey, Wimbledon) moved on Clause 6 an Amendment to restrict to the labouring population the acquisition of small holdings under the compulsory powers of the Bill. He said that he might be reminded that there was no similar qualification in the Act of 1892, for which he was personally responsible, but he submitted that there was no analogy between the two cases, because there was no compulsion under the Bill of 1892, while this Bill was full of it. Under the Bill anybody could obtain a small holding, whether well-to-do or not. That was not the purpose of the measure, and the right hon. Gentleman in charge of the Bill, when he introduced it, stated that the real object aimed at was to bring people back to the land, although he admitted at the same time that he was not very sanguine that Parliamentary interference would turn back to the villages any great proportion of those who had acquired a taste for the excitement of the towns. Still he felt that if they could fix on the land those now living on it or near it they would be doing good work. That he took it was the main object of the Bill, on the right hon. Gentleman's own showing, but the measure in its present form went far beyond that. He agreed with the right hon. Gentleman there was no very great probability of bringing back to the land any great number of those who had left it, but he was afraid that if the Bill passed in its present form they would see in all parts of the country the establishment on a very considerable scale of what he might call rural villadom. That certainly was not the object they had in view, and it was not an object which afforded any justification for the use of compulsory powers. Then again the provision that the person who applied for and obtained a small holding should cultivate it himself was absolutely no safeguard. What was the definition of the word "cultivate?" He had looked up the definition clauses of the Act of 1892 and found there that the expression was to include horticulture and other things, including the keeping of poultry or bees. Thus a person had only to grow a few roses or to keep a hive of bees in his garden to bring himself under the Act. He certainly held that there ought to be some further qualification, and he therefore proposed the insertion of the words providing that applications for the small holdings should be confined to the labouring population. He hoped the right hon. Gentleman would accept his Amendment.

Amendment proposed—

"'In page 4, line 31, after the word 'persons,' to insert the words 'of the labouring population.'"—(*Mr. Chaplin.*)

Question put, "That those words be there inserted."

THE FIRST COMMISSIONER OF WORKS (Mr. HARCOURT, Lancashire, Rossendale) was sure that the right hon. Gentleman would not be surprised to hear that his hope for the acceptance of the Amendment was doomed to disappointment. He wished to have no hampering of the class of deserving people who might get these small holdings. The larger the number of people from the overcrowded towns who could be induced economically to settle on the land the better he would be pleased. The right hon. Gentleman might rest assured that rural villadom was not likely to be set up under the county council control which would be exercised over the tenants under this Bill. But if they attempted to define a class in an Act of Parliament they would either get into difficulty or create injustice. In his opinion the words in the Bill "shall themselves cultivate" were quite sufficient safeguard even with the gloss of the rose and the beehive put on them by the right hon. Gentleman.

MR. JESSE COLLINGS (Birmingham, Bordesley) regretted that he was unable in this case to support his right hon. friend the Member for Wimbledon, who, he could not forget, was the author of the only Bill in existence which had succeeded in bringing men back to the land. There was a numerous class of village tradesmen who would be excluded from the Bill if this Amendment were carried. There were the blacksmith, the shoeing smith, and the wheelwright who in consequence of the decay of village life were now only half employed, and if they could only be possessed of a few acres of land they could fill up their spare time profitably and their sons would not be driven into the towns. He did not think they need fear that the Bill would give rise to speculation in land for there were provisions against sub-letting.

*MR. GEORGE FABER (York) presumed that the object of the right hon. Gentleman the Member for Wimbledon was to make sure that people who got the small holdings were conversant with the cultivation of the land. He did not think the right hon. Gentleman really wished to confine the applicants for holdings to the labouring class. The subsection it was true provided that persons who hired holdings were themselves to cultivate them, but it did not go so far as to say that they were to cultivate them properly as was the case in the Act of 1892. There certainly seemed to him to be some omission from the Bill which ought to be made good.

MR. HARCOURT said the hon. Gentleman who had just spoken had supported the right hon. Gentleman the Member for Wimbledon on one ground, and one only, that the cultivating provisions of the Act of 1892 were not applied by this Bill. If the hon. Member turned to the Bill he would see in Clause 7, line 3, provision was made for applying the whole of the cultivating conditions of the Act of 1892, to which he had alluded.

MR. E. GARDNER (Berkshire, Wokingham) said there was nothing in the clause as it stood to prevent a county borough from providing allotments or small holdings, but why should persons outside the rural area come in and dispossess men, who had been in occupation for years, of their holdings? Surely, injustice could not go much further than that. Here was one set of people born and bred on the land, who had stayed there through good times and bad times, and they were to be turned out by another set who had been away from the rural area all their lives, and probably had made a competency in the borough. As he understood, the Bill was intended, among other things, to keep people on the land, so that the population bred thereon should be healthy and strong; and here they had a population brought up on the land which was to be displaced by the population in the towns, who had lived there all their lives, and who desired in the closing portion of their careers to live upon the land. Anything more unjust to one class in favour of another he could not conceive. If the clause remained unamended, an injustice would certainly be done to those who had given up their lives to agriculture, in favour of those who came into it as a recreation.

MR. CHAPLIN admitted that he had overlooked the provision in Clause 7 referred to by the right hon. Gentleman. That would apply undoubtedly to any cultivation of the land. Personally he adhered entirely to the views he had expressed. He was not shaken in the least by what his right hon. friend had said, because what was the argument against his proposal? They were in favour of the Bill applying to the blacksmith, the wheelwright, and various others in the village districts, everyone of whom came within the Amendment that he proposed. But he owned that his proposal did not appear to have received that support, even from some Members on his own side, which he might have anticipated, and, therefore, he should not waste the time of the House by going to a division.

Amendment, by leave, withdrawn.

SIR J. DICKSON-POYNDER (Wiltshire, Chippenham) moved an Amendment to give power to purchase holdings. His object, he said, was to enable county councils, who had availed themselves of compulsory powers to purchase under the Bill, either to sell land to small holders or lease it. In other words, he proposed that the county council should be armed with compulsory powers of purchase in regard to the Act of 1892, under which they had limited powers at the present time to purchase by agreement. The Amendment was moved upstairs, but he regretted that his right hon. friend had not seen his way to accept it. It appeared to him that the principle involved was important to the whole of the land tenure question in our country districts; and he believed the demand in certain districts of England among certain people to take advantage of it was so substantial that he made no apology for again raising this question on Report, in the hope, however remote, of inducing his right hon. friend to reconsider his former decision. The objection upstairs to the Amendment moved by the right hon. Gentleman the Member for the Bordesley division was to the effect that the proposal for purchase was outside the scope of the Bill. The right hon. Gentleman said the question was dealt with in another Bill and, therefore, could not consistently be included within the provisions of the present Bill; that this measure was exclusively one giving powers to the county councils to lease, and that if they included the principle of a proprietary peasantry or of ownerships, they would be running in direct antagonism to the machinery set up by this Bill. He had felt at the time that this objection of his right hon. friend was not a very strong one, but was somewhat flimsy in its character; and since he had had an opportunity of reading more closely the Act of 1892 he was confirmed in that opinion. This opportunity of strengthening the Act of 1892 was one which would not recur again probably for years, because the land question was not dealt with by elaborate measures every year. They should make purchase compulsory under the Act of 1892, as purchase for hire was compulsory in the present measure. The main charge against the Act of 1892 had always been that owing to its permissive character it was a dead letter save for a very few holdings that had been established in Worcestershire, and he believed in Lincolnshire. Surely, an opportunity like the present should be seized to improve existing legislation, and to bring it up to the level that they desired the measure now passing through Parliament to attain. He was aware that the opposition to this Bill was due to the fact that it was based on the principle of leasing and not on the principle of ownership. He had never shared that objection himself, nor did he do so now in moving this Amendment. He believed that in the great majority of cases throughout the country the method of leasing land to small holders was one that would be most suitable and prove most acceptable. He would not attempt to recapitulate the various reasons based both on economy and convenience; he merely contented himself by stating that in the great majority of cases the principle of leasing was the one that would be availed of. But while he said that, he was equally confident that throughout the country, especially in those districts where small holdings already existed, there were many small holders who would gladly avail themselves of the opportunity of becoming owners on the instalment principle. He knew many small holders, and hon. Gentlemen near him knew many also in their respective districts, who would gladly seize the opportunity offered them out of the small provision they had made, to pay the fifth of the purchase money which was required, and they would also be able to pay the instalments which would run for a period not exceeding fifty years. All the Amendment asked was that some opportunity should be afforded to this class of small farmers by the introduction of compulsory powers of purchase where necessary. It had been argued by those who opposed the idea of ownership that it would create throughout the country a class of ill-tended holdings; that as time proceeded the occupants of those holdings would lose their money and even mortgage their properties, and that the land would ultimately find its way into the hands of unreliable people. The answer to that was very clear. Certain provisions inserted by the right hon. Gentleman the Member for Wimbledon in his Act of 1892 were very clear precautions against anything of that kind occurring. Clause 7 referred to rules as to the mode or conditions of sale, and said—

> "Every county council acquiring land under this Act shall make rules for providing against any small holding being let or sold to a person who is unable to cultivate it properly."

In Clause 11, it was provided—

> "If at any time after the restrictive conditions imposed by this Act have ceased to attach to a small holding, the owner of the holding desires to use the holding for purposes other than agricultural, he shall, before so doing. whether his holding is situate within a town or built upon or not, offer the holding for sale, first to the county council from whom the holding was purchased, next to the person then entitled to the land from which the holding was originally severed."

They were the specific precautions laid down in the Act of 1892 against anything of the nature of that which was apprehended by those who were opposed to the course which he proposed. The only answer which they had really had up to now was that it ran counter to the principle of the Bill, which was for leasing. But the adoption of the Amendment would not in the least degree interfere with the smooth and easy working of the principle of leasing. The real objection which had been raised, and probably would be raised again, chiefly by hon. Gentlemen on the Labour Benches, was to any extension of ownership, because they desired gradually to extinguish ownership throughout the country. He could understand that attitude; it was logical and consistent; but he unhesitatingly said that he most profoundly disagreed with it, and he hoped and believed that his right hon. friend shared that disagreement with his colleagues on the Treasury Bench. He hoped that the right hon. Gentleman would not allow himself, either in this or in any other measure, to arrive at such an opinion by the urgency of demands coming from certain sections of the House. He was quite certain of this, that although there was a number of hon. Members who held that view, there was, on the other hand, a very large number who held the view which he had ventured to indicate in the opposite direction. Among those who held the view which he advocated, some would never allow the opportunity to escape for a public authority to acquire property, and having once acquired it, under no conceivable circumstances would they permit that property to be sold or parted with. He had no sympathy with extreme views, especially as applied to agricultural land. Whilst in towns it might be necessary for the local authority permanently to own the land on the basis that it was in the public interest, that same doctrine when extended to the country districts became utterly and entirely inapplicable. He had been twitted by an hon. friend, who said that he must find it difficult to reconcile his position as a Liberal and his position as a landlord. He did not find any difficulty in reconciling those two positions. At the same time, in order to avoid difficulty, they should have a little clear thinking, and they must distinguish once for all between a slavish adherence to extreme Socialistic views and the maintenance of sound Liberal principles. Wherever they looked abroad they would find small holdings developed on the principle of ownership. He was very much struck last week at the International Housing Conference—at which he regretted more of his hon. friends were not present—by four speeches, one by a Belgian, one by a Dutchman, and two by Germans. They all strongly advocated the extension in their own countries of small holdings. They said that all responsible people had realised that the extension of small holdings was one of the chief methods of mitigating those evils which were common to their countries and to ours. They went on to emphasise the fact that if those small holdings were to be a permanent success, if they were to be profitable to the occupants, they must be based on the principle of ownership. He had laid stress on that argument as to ownership, because he thought they had now an opportunity of carrying it on parallel with the principle of leasing—distinct from but not antagonistic to it. He urged the principle of purchase on the Government even now, because it was a sound alternative, and there was a demand for it in the country, and he was confident that all sections of opinion, whether Liberal or Conservative, would be profoundly disappointed if they found that something of this nature was not put at their disposal. No real objection could be raised which his right hon. friend need be anxious about. He appealed to him to reconsider the proposal, for it would in no way interfere with the smooth working of his measure. Those hon. Gentlemen who held the same view as he did associated themselves with him in urging upon his right hon. friend and the Government to do what they could to give this proposal, which he ventured to move, favourable consideration.

*MR. BERTRAM (Hertfordshire, Hitchin), in seconding the Amendment, said that the object of the Bill was universally recognised, and their duty was to do what they could to improve the *status* and condition of the agricultural labourer; that was the sole object of the measure. It had been said that legislative change which acts on the social structure merely as a physical force, altering the arrangement of parts, but leaving it character the same, was certain to fail. He did not say the Bill was sure to fail without this Amendment, but if they could by any means "transform the molecules" composing the structure, their chance of success would be much greater. It was because he believed that the Amendment would have the effect of enabling the country to transform the character and raise the position of the agricultural labourer that he gave it his warmest and heartiest support. The question was, would mere ownership operate to transform the labourer? While as a mere tenant, no matter how benevolent his landlord, no matter what artificial securities might be afforded him, he must remain as he now was, and exhibit perhaps but one more illustration of the small tenant, a by-word for ill-luck and incompetence. There was, he knew, a very substantial body of opinion unfavourable to private ownership in land, and the hon. Baronet had referred to it as existing among hon. Members below the gangway opposite, while it was sparsely, he hoped sparsely, distributed over the Liberal Benches. If the view was held that they were going, by a devious course, by means of this Bill towards the establishment of the elements of a socialistic or collectivist system he did not think success would attend upon their efforts. That was not the purpose, object, or intention of the Bill, which was designed to afford to the agricultural labourers a better chance and opportunity than they had ever had before, and he felt that it was the duty of Parliament to enlarge this opportunity by every means in their power. He believed the main effect of the Bill would be seen in immediate recourse to the Act of 1892, which had been regarded as a dead letter up to the present time. The first effect of the Bill would undoubtedly be to stimulate activity on the part of county councils, who would not like Commissioners coming in from outside, while landlords would by reason of the compulsion clauses be more acquiescent in selling their land. They would, as he had said, in this way experience a large recourse to the Act of 1892. To refuse assent to the Amendment would be to set up anomalous conditions in many parts of the country. Might he suggest a possible case? In the county of Hertfordshire the county council might put in force the Act of 1892 and acquire land by agreement, say thirty or forty acres, in the neighbourhood of a village, which they offered either for sale under the Act of 1892 or on lease under this Bill, until such time as the tenants could become the owners by purchase. Then over the border in Bedfordshire, let them assume that the county council was unable to acquire land by agreement, and put in force the compulsory clauses of this Bill. In this way they too secured a piece of land which they offered to the labourers. Could they treat them in the same way as the more fortunate labourers were being treated in Hertfordshire? No; in the case suggested the Bedfordshire County Council could only offer them small holdings upon a tenancy; they could not offer them ownership. He would read a very short quotation from Professor Fawcett on this point. They would have set up side by side two sets of small holders, one set owners and the other set tenants, dealing with the same produce, probably in the same market, and under conditions in all other respects identical, and the two classes of cultivators would be competing with one another. Professor Fawcett, in his "Political Economy," said—

> "How little chance there would be of manufacturing industry in this country successfully encountering the close competition with which it has now to contend if in England manufactories generally had to be rented, whereas in other countries they were owned by the manufacturer. Legislation may give a tenant security for improvements, but *no* legislation can give the same security as that which is obtained when a man feels that he is applying his labour and his capital to increase the value of his *own* property.'

The argument against small ownership was not very strong. The proverbial poverty of the English agricultural labourer though it might unfortunately represent a fact did not constitute an argument against the acceptance of the Amendment. If a man was too poor to buy he could hire and wait until he was rich enough to purchase. As for the question of State ownership as against private ownership, it could only be justified if they were considering the food supply of the country, a question which did not arise upon this Bill, which was merely concerned with giving the agricultural labourer the maximum of opportunity to do the best for himself. There was no question of betterment. It was perfectly true that there was often a rise in the market value of land classed as agricultural, but that was not the "agricultural value," and was due to certain social distinctions for which people were willing to pay apart from the agricultural value altogether. It had been suggested that it would be a dangerous thing if the smallowner had the power to mortgage or to sell. He wished to point out that there was a provision in the Bill that for a period of twenty years the power of the smallholder to sell or mortgage was restricted. There was also a provision inviting the county council to co-operate in future with agricultural credit banks for the purpose of enabling these very men to tide over times of difficulty and stress which in some cases must arise. Was it not true to say that the man who was a lessee could mortgage his property, his leasehold, just as fatally as the smallowner; and with regard to sale, if it was an advantage to a man to sell what he had created by his own industry he ought to be entitled to do so. On behalf of the value and merits of ownership he felt that he ought to say something The first consequence was the enormous augmentation of a man's industry. About 130 years ago Arthur Young in France made a series of observations with regard to peasant proprietors which had never been contradicted or falsified, and during the whole period which had intervened no French Government had ever attempted to make or dared to suggest any alteration in the legal *status* of the peasant proprietor in France, and that was the strongest possible argument in favour of that system. Everywhere upon the Continent those who had seen the system of peasant proprietorship in operation were unanimous in praise of it and ascribed its success to the fact that the man who tilled the soil was the owner. Under this Bill they were being invited by compulsion to create "tenants." The only observation he wished to make on this point was that where they had the county council control which would be exercised under this Bill over the tenants the tenants had not freedom, because the council would have an agent who would have his favourites among the tenants and would have his fads and system just like the agent of an ordinary landlord. That was inevitable, and the real impetus which enabled the owner to drive the plough to better advantage would be lacking. Then came economy in working. Wherever they got smallownership there they would find economy in working. It was one of the main features of the whole system. They found not only that the gross produce derived from the labour of a smallowner was greater but his net produce was proportionately greater than in the case of a large farm. Proof of that was to be found in Prussia, where there had been a much more rapid enhancement of the value of the small farms as compared with large farms. With economy in management they got frugality and a host of social virtues which completely transformed the character of the man, who came to exercise more foresight and care in everything that went to improve his property. But the greatest benefit of all was that ownership raised a man from the position of a mere dependent. He carried his head higher and acquired a sense of patriotism which he did not possess at the present time. [An HON. MEMBER: Why not now?] Because he was too poor, poverty ruled out patriotism, and a labourer had not the chance of making the best of his opportunities. He was afraid the right hon. Gentleman was going to meet the Amendment with an adamantine negative. All parties desired that a measure of this kind should operate for the benefit of the agricultural labourers, and it would be a great advantage if the Bill was passed by a united House of Commons. It should not be overlooked that the Opposition had a strong force behind them in the country which was out of all proportion to their numbers in the House. The labourers he had conversed with told him that they did not want land law reform so much as a little bit of land which they could call their very own and which they could cultivate for their own benefit. They did not say anything about tenancies, because they were dreaming of ownership. He thought they would do more good if they augmented the number of owners of land by compulsion than by creating more tenancies. If the Bill succeeded, he believed they would multiply its chances of success by giving both ownership and tenancy an equal and a coinciding opportunity.

Amendment proposed—

"In page 4, line 31, after the word 'lease,' to insert the words 'or purchase.'"—(*Sir J. Dickson-Poynder.*)

Question proposed, "That those words be there inserted."

MR. HARCOURT agreed with the hon. Baronet who moved the Amendment that there was no inherent difficulty in the position of Liberal and landlord. He did not know, however, in which capacity the hon. Baronet was speaking when he proposed to expropriate compulsorily one private owner in order to put another in his place. He had never argued against the sale of small holdings on the ground that he wished to abolish private ownership. He had argued against it on the ground that he believed that it was not to the best advantage of the smallholder and of the country generally. If there were a demand for actual ownership, it would have found expression under the Act of 1892. He believed that a good deal of the failure of that Act was due, not so much to the absence of compulsion as to the absence of any power to hire. The hon. Baronet admitted that the majority of smallholders would be likely to take up leases and that it would be only a small minority who would wish to secure the freehold of their land.

SIR J. DICKSON-POYNDER: A small but increasing minority.

*MR. HARCOURT said he had received a letter from a district in the Midlands which stated that application was made some time ago to a local authority to acquire 300 or 400 acres of land to sell to the applicants as small holdings, but as soon as this Bill was introduced all the applicants asked the local authority to suspend the purchase of the land, because they would all prefer to become tenants under the Bill. He would not repeat the arguments he had previously put forward on the Second Reading as to the disadvantages of absolute sale to smallowners. He had pointed out the danger of the moneylender, and he could not agree that that danger was anything like so great with a leaseholder as with an owner. Although it was true that there were directions in the Act of 1892 to the county councils to secure men who would cultivate the land properly, there was no provision which would secure that their sons should inherit their capacity for cultivation. There had always been this great objection to his mind. If they made a small man the absolute owner of his first holding, which would be a very small one, they would tie him to that holding, not by law but by the fact that he must remain on it until he could obtain the full price for it and all the improvements he had made upon it, so as to be enabled to remove to another holding. He did not understand really why hon. Members like the mover of the Amendment, who did not think that the number of smallholders who desired purchase would be very large, were not satisfied with the provisions made by this Bill combined with previous legislation. Any land acquired under the new Act by agreement could, of course, be sold by the county council as under the Act of 1892. Surely the effect of the compulsory provisions of the Bill would be that they would be able to obtain the largest part of the land by agreement. Therefore the county council were likely to have over the land they obtained very full discretion as to the method in which they should deal with it. He had declined, and he must still decline, to go further to facilitate sale to small ownerships, which he believed would be a great disadvantage to the locality.

MR. CHAPLIN said the evident hostility of the right hon. Gentleman to do anything to increase the ownership of land almost passed his comprehension. He did not note in the few words which the right hon. Gentleman had addressed to the House any adequate reason whatever for the somewhat peculiar view which he held on this particular question. In the case of a small man who had acquired his holding the right hon. Gentleman had asked what assurance there would be that his successor would inherit capacity for dealing with land. He understood the right hon. Gentleman to suggest that the father might have been brought on to the land for the first time himself. Was it the son who had been brought up on the land or the father who came there without experience who was most likely to be able to deal with the land? The right hon. Gentleman had pointed to the difficulty which the owner of a small property would have, even if he were successful, in moving to a larger one, or acquiring an addition to his own. He failed to see any difficulty whatever on that point. What difficulty could arise if he proposed to add three or four acres to his holding if he had the wherewithal to purchase the addition? The question which had really been raised by the Amendment of the hon. Baronet was whether it was desirable to encourage ownership on the one hand or tenancy on the other under the provisions of this Bill. The right hon. Gentleman had asked—If there is such a demand for ownership in the country, why is that there has not been a greater number of applications for the purchase of land under the Act of 1892? It had already been stated that that Act had proved to be a dead letter because it was wanting in the element of compulsion. He disputed that argument altogether. The reason why the Act of 1892 failed was not in any degree because there were no compulsory powers included in it. There was ample land in the market which could have been obtained by agreement on perfectly fair terms. His right hon. friend the Member for the Bordesley Division had repeatedly pointed to the success of an experiment in the creation of small holdings in Worcestershire. The reason why the Act of 1892 had not had a far greater operation was to be found in the fact that the Liberal Government which came in soon after the Act was passed did not give it a chance. They introduced a measure for compulsory hiring. He admitted that at that time compulsory hiring was exceedingly popular with that part of the public who desired to have small holdings. That was put in force to a considerable extent, and the advantages of the Act of 1892 were neglected. The effects of the measure in regard to purchase were referred to in evidence to which he had called attention more than once. The evidence did not show that compulsory hiring had been successful, but no one representing the Government had condescended up to the present time even to notice that evidence. Reference had been made by the seconder of the Amendment to the success of peasant proprietors abroad. Everybody knew that the man who owned the land always used it better than the man who was only a peasant, however good as a tenant he might be. [An HON. MEMBER: "No."] Well, that was the universal experience of everyone who was practically conversant with the land question in this country. There had been successful small ownership in days gone by, but agricultural depression came upon the country and that class suffered. Until the unfortunate days of agricultural depression there were few who lived more happily and prosperously than the small owners of land. He remembered the time when in Lincolnshire there were thousands of people called freeholders, and they prospered as much as any class in the country could desire. That class suffered from the agricultural depression which resulted from foreign competition. In France, Germany, and many other countries peasant proprietors flourished. He thought the Amendment should be accepted in the hope that it would promote the ownership of land. The peculiar form of tenancy proposed by the Government would, he had no doubt, be exceedingly popular at first, but when a tenant had got all he could get out of the land in a few years he would surrender it as other small holders had done in the past. That would not happen under a system of ownership. The House could not do anything more wise in connection with agriculture than to accept the Amendment and thereby encourage ownership instead of tenancy.

MR. VERNEY (Buckinghamshire, N.) said he supported the proposal of the hon. Baronet from the point of view that there was abundance of scope in this country for every kind of holding and for every class of farmer. He would call the attention of the House to what the Amendment really implied.

"A county council may for the purpose of providing small holdings for persons who desire to purchase or lease," etc.

In other words, it gave a man power to purchase his holding if he desired. The hon. Baronet did not propose to bring in any more compulsion than was already in the clause. He did not see anything of any kind for enforced purchase in the clause. If there were he would most strongly oppose it. The clause as it stood referred to persons who desired to lease. Now, what did a lease mean? It might be for nine years, nineteen years, ninety-nine years or 999 years. It was not of mere agricultural labourers they were talking, but of successful tradesmen who had made a certain amount of money and demanded a long lease. What kind of distinction could be drawn between a long lease in this connection and a freehold? They knew well that when a lease came to a certain length it practically was the same as a freehold. He ventured to say that under the clause as it now stood, if there was any vice in a freehold there was equal vice in compulsory hiring. When they took into consideration how slight was the change which would be made by the hon. Baronet's Amendment he hoped it would be accepted. A good deal had been said about mortgages and debt. Everybody who had closely followed this question as it had been taken up in Ireland, and the work which had been done by Sir Horace Plunkett and his friends, knew that there used to be ownership of land with all the evils of debt attaching to it, but these evils had been to a very large extent mitigated or abolished by the system of co-operation and by agricultural credit banks through which there was an easy acquisition of money in small amounts with no interest by the Irish tenants and small landholders. These had proved to be the antidote to the gombeen man. It was not right that the freeholders should always suffer under a burden of heavy debt or mortgage, and the Irish plan might be called in in aid in this country of the purchaser—not the enforced purchaser—of his holding. At any rate in Ireland under the new *régime* the evils of debt had largely disappeared or were rapidly disappearing. He hoped, therefore, that the Government might be induced to reconsider their position and would not deny the option of purchase to the small holder, in which he saw the germ of that success and prosperity to the small holder which would do great things for the country.

*MR. LEIF JONES (Westmoreland, Appleby) said that no one could doubt the importance of the Amendment, because its inclusion in the Bill would go far to destroy the whole merit of the measure. [AN HON. MEMBER on the OPPOSITION Benches: How ?] For the reason that the great feature of the Bill was that it enabled county councils to acquire by hiring land to let to small tenants throughout the country, and if this Amendment was inserted the operation of hiring would be seriously affected through the fact that a landlord who did not want to let would say, "Oh, you are always bothering me about my land. Take the land—you have the power to do so—and shift the burden on to your own shoulders." That would be a not unreasonable argument, and hiring would tend to diminish, and purchase to increase, and the operation of the Bill would consequently be limited. What was the position in which they found themselves at the present moment ? The right hon. Gentleman opposite who represented the landed interest in the House *par excellence* was an advocate of the compulsory expropriation of one landlord in order to set up another in his place; and he further told the House that in order that a man might be a good cultivator of the soil he must be the owner of it. [OPPOSITION cries of "No !"] Certainly the right hon. Gentleman did imply that a man who owned the land was a far better cultivator than the tenant. He must say that his experience did not agree with that statement.

MR. CHAPLIN said that what he laid down and what he adhered to was that ownership was the greatest possible inducement to a man to carry on good cultivation.

*MR. LEIF JONES said he was not able to agree with the right hon. Gentleman. He maintained that the tenant farmers of this country were the best farmers in the world, and that our landed system was only justified by securing such men as cultivators of the soil. If the right hon. Gentleman contended otherwise then out of his own mouth he condemned the landed system of the country. But that was not all. The right hon. Gentleman knew that capital was necessary to carry on a farm, and that the farmer required security that he should have a return for the outlay of that capital. But in the case of small holdings there was great difficulty in finding tenants who had the necessary capital to carry on the farm.

MR. CHAPLIN said that he was not speaking of large tenants. All his observations were directed to ownership or occupation of small holdings.

*MR. LEIF JONES said he was quite aware, but every word the right hon. Gentleman said about large farms applied also to small holdings. That was the necessary and logical sequence of the right hon. Gentleman's argument. The merit of the Bill was that without requiring too much capital from the small man they would be able to place him on a small holding. With ownership they would have to find a man not only to stock the land, but also to buy it. It was most desirable to have hiring to enable the man to use all his capital for the purpose of stocking his holding. He was not without experience of small holdings. He represented a county in which there were more of these small properties than in any other county in England. The great difficulty was that the owners had families. The right hon. Gentleman spoke of a son succeeding his father; but they often had five or six sons and the property was divided, encumbrances were created, and the small holdings were swallowed up gradually in the big estates. As to the agricultural labourers, they were in Cumberland and Westmoreland able to save £150 to £200 by the time they were thirty years of age if they were industrious and thrifty. And they could then under the hiring system get a small holding and stock it fully. He was heartily glad that the Government resisted the Amendment. They heard the phrase continually from hon. Gentlemen opposite about rooting the people with the soil. That was not his ambition. He wanted to see the labourers walking erect on the soil and moving on from stage to stage.

MR. BECKETT (Yorkshire, N.R., Whitby) said that the hon. Gentleman who had just sat down had put an extraordinary argument in the mouth of the right hon. Member for Wimbledon, viz., that the latter had advocated the expropriation of one landlord in order to set up another in his place. That was not the argument of the right hon. Gentleman, but the proposal of the Bill. If they would not let the present owner continue in his ownership, they must put another in his place. He supported the Amendment because he wished to see the measure not only useful as a spasmodic experiment, but as a permanent success, and the question of whether it was a permanent success or not must depend in the last result upon the labourer. It was because he thought that the labourer would have a great deal more incentive to make his holding a success as the owner rather than as the tenant that he rather favoured the Amendment. He understood that it was one of the objects of the Government to enable the labourer to rise in life: all he could say was, that under this Bill they gave him but a very short ladder. If, after a great deal of expense and trouble, the labourer was put only on the footstool of the tenancy, what could he do when he got into his holding? The tenant looked around him when he got into his small holding and knew that neither the house in which he lived nor the land which he tilled belonged to him. He would be called on to pay not only the rent, but the interest on the sinking fund, if the county councils were not to make a loss, and at the end of his tenancy he would be deprived of the advantages which were due to him. If it was one of the objects of the Bill to keep the labourers on the soil: there were two ways in which that might be done. The first was by attaching him to the soil, and that was a purely sentimental idea. The other was by attaching the soil to him, by allowing him to become the purchaser. Hon. Members talked very glibly about landlords, and there were some quarters of the House in which one had only to mention the word "landlord" to excite the throwing of half bricks in the way of bad language at them. The tenants of the country knew better, however, and hon. Members made the greatest mistake if they thought they desired to come under county councils, who had not the power or indeed the right, dealing as they were with ratepayers' money, to be merciful in bad times. A corporation had neither a body to be kicked or a soul to be saved. For these and other reasons he hoped the Government would accept the Amendment, otherwise there would be hopeless chaos. In many directions it appeared to him that the finance of the Bill was muddled, and unless the Amendment was accepted the Bill could not be a success.

* MR. SUMMERBELL (Sunderland) remarked that the hon. Member had talked about bad language being used when the landowner was mentioned. It was not the landowner that they took exception to, but the question of private ownership in land. He therefore hoped that hon. Members would somewhat modify their views in regard to their position. The hon. Member had said that the Bill was very much muddled, but he thought the muddle was in the mind of the speaker. Several hon. Gentlemen had said that the way to get land cultivated was to make the man who cultivated it the owner, but anyone who knew anything about land knew that the responsibility for its condition at the present moment was to be put upon the owners, and not upon those who were the tenants of it. Millions of acres were out of cultivation and yet we obtained two-thirds of our food from abroad, and the direct responsibility for this state of things rested upon the system of the private ownership of land. He hoped the right hon. Gentleman would not give way as far as this particular Amendment was concerned. To say that a municipality could not acquire land for the purpose of letting it with better results than flowed from private ownership was to advance a contention which in his judgment was not arguable. He thought the time had come when the Government, and especially this Government, should take upon itself the responsibility of restoring the land to the people. Only a small proportion of our total

population were at present settled upon the land. It was the birthright of every child to live upon the earth, but if they maintained the right of private ownership they denied the right of people to live on the land except upon the landlords' terms. He hoped that the right hon. Gentleman in charge of this Bill would adhere to the declaration which he had made that he would keep the clause as it stood, and thus start the movement for the restoration of the land to the people of this country.

*MR. BECK (Cambridgeshire, Wisbech), as one of the most enthusiastic supporters of the Bill, urged the right hon. Gentleman to grant the concession asked for. It seemed to him, if he might say so with all due deference, that the last two or three speeches had dealt not at all with the Amendment proposed. There was no idea of forcing county councils to constitute small freeholders; they merely wished to give them the option of doing so if they desired it. They on that side had resisted the efforts of hon. Gentlemen opposite to shackle the freedom of those who would have to administer this Bill; they asked for freedom for these bodies and for elasticity of machinery. Yesterday they gave the Commissioners a free hand, and to-day they asked for the same freedom for county councils. He was a warm advocate of the Bill, and he believed in establishing tenants instead of owners, but cases might arise in which it might be desirable to settle small owners on portions of farms and he thought it would be undesirable if county councils had not the power to do this. He agreed with much that the hon. Member for Appleby had said about the small holders lacking capital and being shackled as owners, but he did not think that that had anything to do with the Amendment. They only wished to give the county councils power to settle small freeholders if they thought it desirable. It would be for the county councils to see whether the applicants were desirable people, and whether they had the necessary capital. He thought they could safely leave such questions in the hands of county councils. The Bill was intended to serve, and he believed would serve a double purpose, one was the improvement of the condition of the labourer and his *status* in life, and the other was the national object of maintaining and increasing the population upon the land. He thought that as the result of this Bill they might see something like the results which had been obtained in Denmark, where the State settled a number of men on the land and after thirty or forty years they or their children accumulated capital and were now in the position of small landowners. He believed that there were a number of cases in which it would be desirable to settle small owners on the land, and he hoped the Bill would enable this to be done.

*MR. JESSE COLLINGS (Birmingham, Bordesley) said the hon. Member who had just sat down had ably advocated a system of purchase, and it was obvious that the Bill as it stood would break down. If a small holder were allowed to purchase it was cheaper than hiring the holding. The county council would buy the land as cheaply as possible. There was plenty in the market at a very low price. Then the county council would be able to sell to the holders at a correspondingly low price. But if this Bill became law all the expenses connected with it, and they would be very heavy, would be included in the rent which the tenant would have to pay, and he would acquire no interest in the holding. If bought at any future time the basis of purchase would then be on the rent they were paying, and the purchase price would be far higher than they would pay if the county councils now started to buy as cheaply as possible land which was on the market and to sell it to the occupiers in a corresponding manner. It was difficult to find a reason for refusing this small concession. On the introduction and the Second Reading of this Bill the right hon. Gentleman showed his opposition to the principle of purchase, and he had never wavered since. He had said that if he thought there would be any substantial increase in the number of purchasers under the Act of 1892 he would limit rather than extend the facilities. The right hon. Gentleman had asked why, if purchase was so desired, there had not been more success under the Act of 1892; but he knew perfectly well that the labourer did not buy land for the same reason that he did not buy comforts and luxuries: he had not the money. When the labourer was asked to put down 20 per cent. of the purchase money he was unable to do it, and therefore it was not very wonderful that the Act was not brought more largely into operation. Over and over again the Government had been pressed to remove this bar of poverty which prevented a man from owning the land he cultivated. He had visited the estate to which the right hon. Gentleman had referred, the occupiers of which were said to prefer tenancy, and having talked to those men collectively and individually, he had found that the majority of them preferred ownership to tenancy, but the bar of poverty prevented it. He had in his hand at that moment a petition in favour of ownership which was sent to an hon. Member of the Committee which sat to consider this Bill, and the petition was signed by fourteen of these very tenants who were said to prefer tenancy. Was the position of the Government this, that while they would give £100,000,000 to the Irish people for this purpose, they were prepared to say to the people of this country that they should not own an inch of the soil they tilled? He had received a letter from a man in Kent who described himself as one out of many thousands who had saved a little money and desired to have a small holding, and in that letter he said, with all respect to the present Government, that unless they fell in with the view of purchase they were wasting their time in a useless endeavour to bring men back to the land. The artificial arguments as to the moneylender and bad cultivation did not apply to the question of purchase. A man who had bought his holding and had to pay the price in annual instalments was of no use to the moneylender. He had borrowed all the money he required at the lowest rate of interest. As to the argument of bad cultivation, he need only say as the hon. Member for Hitchin had pointed out, that the man who owned the holding was more likely to attend to it and cultivate it properly than a tenant who was there to-day and gone to-morrow, and whose only desire was to get as much as he could out of the holding while he was there. Ownership disclosed the best power that was in a man to do the best he could. It was suggested that a tenant could keep on until he had saved enough to take a larger farm, but ownership could do better than that. If a man who owned his holding thought the time had come to buy a bigger farm, and his holding was in good condition and self-contained, he would have a dozen offers for it and have all the advantages in disposing of it of a man disposing of a property which he had improved. A man on the Catshill estate began twelve years ago with a holding of four acres. He saved money and had since increased his holding to twenty-nine acres. That man sold off his holding in the year before last £600 worth of produce, and in addition to the labour of himself and his family he paid £240 for labour. On the Catshill estate they had solved the housing question and the question of pauperism, and the rates now paid by those occupiers was much higher than those paid by the estate when it was a farm. That was a ladder no tenancy could secure. The hostility of the right hon. Gentleman and that of hon Members below the gangway were quite distinct. That of the latter was perfectly understandable. Their view was that there should be as few private owners of land as possible: they believed in municipal or State ownership. But there was a party that had beaten men holding those views in Germany and France, and who would always beat them. That party was the peasant proprietors of the country. But if hon. Members below the gangway believed in the nationalisation of land it should be brought about by purchase and not by confiscation. If the county councils were to set about buying land the tenants would have to pay for it, and if those who paid for it were not to have an inch of what they paid for that came as near confiscation as anything he could imagine. An hon. Member had said there was only a small body of opinion in the House in favour of purchase. That might be true, but there was a large body of opinion outside, and he claimed that there was a large body of opinion in that House, for if there was a vote by ballot many Members sitting on the Government side would vote in favour of it. This should not be made a Party question. In all the evidence given before Royal Commissions and Select Committees on the question all the most important witnesses said that, although they saw financial difficulties in the way, ownership was the best system. A very important Committtee appoined by the late Government, which reported two years ago, stated in their Report—which was one that should receive attention from any Government—that after going all over the country and hearing all the evidence available they recommended purchase under the "Purchase of Land" Bill as the only system. Denmark began by giving facility after facility for men to buy their holdings. In Denmark there was no question of tenancy, 87 per cent. of the occupiers being the owners of their holdings. Peasant proprietorship in France was the great guarantee of order, and wherever the Code Napoleon had been introduced in Europe the same results had followed. When they saw all this in other countries it seemed to him that the Government were like Rip Van Winkle. They had been asleep all these years, and had now awakened up to put into force an obsolete system which had long since broken down everywhere else. It was said that under this Act county councils could acquire land on lease, but the Bill said nothing about letting to the tenants on lease. Therefore, they must assume that in such a case the tenants would be annual tenants. The hon. Member for Hitchin had said that for small holders outsiders would have to be relied on partly. Of course, they did not forget that there was only 23 per cent. of the population in the rural districts, and if from that percentage was deducted the residential population, and the old people and young children, there were very few agricultural labourers left. How was it that the people on the Continent sent us millions of small articles of food which we could not supply [An Hon. Member: Better education.] Better education and co-operation were not known either in France, Germany, or Denmark, until ownership was established. They were exotics where tenancies existed, but were the natural outcome of the system of ownership. The reason why we could not compete with them was that the owners knew every inch of their land and cultivated it in an intensive manner. The tenant who came to-day and went to-morrow could not compete with them, but the colonists of Catshill could and did successfully. Out of that estate they had produced £4,000 or £5,000 per annum. The hon. Member for the Appleby Division had said he preferred tenancy with security and fixity of rent. But under this Bill there was neither security of tenure nor fixity of rent, and he hoped the hon. Member would no longer figure on platforms saying that this Bill gave either one or the other. In this case both rested with the local authority, but in ownership the security was absolute. That was the whole pith of the question, and it was a national question upon which the safety of the country depended. The matter ought to be thought out in a friendly way. The question was whether the men ought to own the land they tilled, whether it should always be in the hands of the cultivating occupier, or whether the system should be that of tenancy under county councils. If they looked at the evidence given before the Royal Commission they would find that the opinion of the most important witnesses was that corporations of any kind whether public companies or other corporations, were the worst farmers and the worst people to manage a farm. In all the details which belonged to the management of a farm there must be personal supervision, and municipalities and local bodies could only exercise that supervision by hiring agents and tradesmen, the cost of which would all add to the rent. All these things would make it worse and worse for the tenant. He appealed to the Government to yield to what he believed to be the wishes of the majority of their supporters. The Amendment would not interfere with the working of the Bill and would only give an option. Unless the Government were determined that no labourer in this country should ever possess an inch of the soil they cultivated they would accept this proposal.

THE SOLICITOR-GENERAL (Sir W. ROBSON, South Shields) said he was called upon to meet arguments coming from the Opposition side supporting the view that the principle of tenancy ought to be replaced by ownership and that this ought to be carried out by the State on a scale in regard to which no kind of limit or restriction had been indicated. Such a proposal was throwing Irish legislation in the background with a vengeance. It simply meant the employment of State funds in order to substitute small owners for large owners. Was that what the Opposition required? There was another point upon which those who took this view had been significantly silent, and upon which the hon. Member for Sheffield had also remained silent. When people talked about purchase they ought to indicate what method they desired for the acquisition of the land. Hiring was simpler than purchase, and in this Bill they had still further simplified it. They enabled a county council compulsorily to hire land in the neighbourhood of a town, where it would be most valuable for small holders; but when that land was wanted for building, then the landlord would be entitled, after twelve months notice, to resume the land. That enabled them to exclude from the agricultural rental any question of building value and thereby to take the land for a long period of years without having to pay a building price for it. Were hon. Gentlemen opposite willing to allow purchase to be carried out in the manner provided by this Bill—that was, to substitute valuation for the operation of the Lands Clauses Act, which provided an arbitration which had been oppressive to railway companies and all municipalities? If so, they would then talk about purchase. He did not think hon. Members opposite had realised this important element in any system of universal purchase. They would have to decide whether they were going to adopt the Lands Clauses Act or not. Under this Bill they empowered the Board of Agriculture by the Schedule to regulate these various matters and to adopt any of the clauses in the Lands Clauses Act. They had appointed a valuer who would act impartially as a Government official, and with expert knowledge, but without the heavy cost which was involved under the operation of the Lands Clauses Act. He would be glad to receive some indication in regard to future purchase as to whether hon. Members were willing to accompany universal purchase of the land by some method of acquiring it which would be cheaper and more expeditious than that which had nearly broken down some of the great railway companies. The right hon. Gentleman the Member for Bordesley had said several times that the cultivator preferred to own the land; but would he pay for it? The cultivator who bought his land must be content with a very small return upon his capital. He doubted whether he would get more than 2½ per cent. net upon his purchase capital. Those who had bought land generally found that they had to pay a heavy price for it and they seldom got a return of more than 3 per cent. upon their investment. Would any farmer be content with 3 per cent. interest on his capital? He did not know exactly what interest a farmer expected, but he knew he would not be content with 3 per cent. One of the difficulties and dangers of purchase was that the small owner was under the temptation to part with the fee-simple of his land, in order, with the purchase price, to increase his stock, or to invest the money otherwise. [AN OPPOSITION MEMBER: Why not?] He was not objecting, but was it worth the while of the State to undertake that great cost and risk, with that certain economic result?

MR. JESSE COLLINGS: That has not happened under the Act of 1892.

SIR W. ROBSON said that under that Act there was a limit on the power of sale for thirty years and the purchaser was subject to all kinds of conditions. The framers of that Act recognised that there were certain economic forces to contend with, and restrictions were placed upon it of a very humiliating character. The right hon. Gentleman the Member for Wimbledon gave as the reason for the failure of his own Act for enabling county councils to purchase land by agreement, that the Act was passed in 1892 and that in 1894 a Liberal Government came along and passed the

Local Government Act of that year, giving the local authorities the power either to purchase by compulsion or by agreement, or to hire. They had now the three systems in operation between which the local authorities had the right to choose. Which did they choose? He had before him a report dealing with the period from 1897 to 1902, showing the proportion between the acreage purchased and the acreage hired. The land purchased amounted to a little over 200 acres, and that hired by agreement to 2,364 acres. Thus they preferred to hire rather than purchase, and the disproportion was over ten to one. The Government left untouched the inestimable benefits of the right hon. Gentleman's Act; they left the question of purchase as it stood, but before they changed their Bill into one of purchase they would want to know how the price was to be fixed, and also whether the progressive Party opposite would show themselves as liberal when it came to the question of fixing the price as they now professed themselves to be in regard to a change of ownership

MR. A. J. BALFOUR (City of London) said the hon. and learned Gentleman had dwelt upon one argument and had asked why, if hon. Gentlemen sitting on that side of the House were so anxious for purchase, they did not come forward with some proposal to make purchase cheaper than it was at present? The Bill did not contain purchase so far as the tenant cultivator was concerned, but it did contain purchase so far as the existing landowner was concerned, and as far as purchase from him by the municipality was concerned, and that purchase was to be carried out by the very mode which the hon. and learned Gentleman said had broken down in the country and was so intolerable that it could not be introduced into the Bill, but which he and his right hon. friend had, as a matter of fact, introduced into the Bill.

SIR W. ROBSON: I said that with regard to purchase the Lands Clauses Act will apply, but not to hiring.

MR. A. J. BALFOUR really believed that the hon. and learned Gentleman had not read the Bill. It gave the public authority power to purchase compulsorily, and it declared that, when it did so, it was to purchase under the Lands Clauses Act. All that was required was that the local authority should use the powers given to it by the hon. and learned Gentleman under the Lands Clauses Act, and when it was the owner of the land it could divide up among the small cultivators the large farms it had bought into small holdings of any size it liked. What value were they to put on the hon. and learned Gentleman's argument when it was so obviously based on complete ignorance of the Bill he was supporting? The hon. Baronet who moved the Amendment had expressed some doubt as to whether it was possible to be a good Liberal and a good landlord. He had no immediate concern with the case of the hon. Baronet's conscience. He could not imagine why the hon. Baronet should feel any difficulty or why the subject suggested itself to him as a difficulty in connection with this debate, because not only was his proposal supported by hon. Gentlemen on the Opposition side of the House, but it was in exact accordance with all the confirmed traditions of the Liberal and Radical Party. The whole traditions of that Party were in favour of the multiplication of the owners of the land. He could remember in his earliest years being interested in this controversy. John Stuart Mill gave a great impulse to the whole doctrine in a well-known chapter in his "Political Economy," and he only echoed the universal conviction in those days of every man who called himself a good Liberal or a good Radical. There was one criticism of the existing system of divisions of land in this country, that estates were too large, that the number of owners of land should be greatly multiplied, and that such multiplication was good for the social order and prosperity of the country. [AN HON. MEMBER: There were no county councils then.] Did the hon. Gentleman think that the creation of county councils by a Tory Government had entirely destroyed the whole of the Liberal creed? The old Liberal and Radical view might be entirely wrong. It certainly was opposed explicitly by every Member of the Front Bench opposite who now professed to be the representatives of Liberal and Radical opinion, with the exception of one Radical, the right hon. Gentleman who was responsible for the government of Ireland. It was really impossible to say that that right hon. Gentleman did not regard the multiplication of owners as a social advantage. No man could govern Ireland for a week if he let it be understood that the proper system of land tenure was the system which the Government held to be appropriate under this Bill. Therefore, among the many divisions which separated right hon. Gentlemen on the Front Bench opposite, there was this very fundamental difference between the opinion held by the Secretary for Ireland, and which must be held by every Secretary for Ireland, and the views which now passed as good Liberalism and Radicalism, but which during the first twenty years of his experience would have been regarded by every representative Liberal or Radical as entirely outside the Liberal and Radical creed. Certainly the hon. Baronet, whatever else he had to apologise for, need never apologise from the Liberal Benches for saying that his desire was to multiply the number of owners in this country. That being the historical view of the question, let them consider what sound policy required them to do now. The Scottish Bill insisted that they could not have good cultivation by small owners unless they had fixity of tenure. That was the Scottish view. But there was to be no fixity of tenure whatever for these holders of land under the county council. Living and dying on the same holding was held by the Secretary for Scotland and the Lord Advocate to be essential, but it was not the idea of the right hon. Gentleman in charge of this Bill, nor was it the opinion of hon. Gentlemen opposite who represented English constituencies. Let them consider what exactly was to be got, from a social and economic point of view, by the system which the Government had now adopted and which was in direct contradiction both to the policy which they were adopting in Scotland and to the whole traditions in Ireland. The Member for the Appleby division had said that all that was required was that henceforth cultivators of the land should be able to walk erect. He thought that was the gem of the hon. Gentleman's peroration. From the statements made by some hon. Gentlemen opposite and by hon. Gentlemen below the gangway one would believe that there was no more abject and unhappy being on the face of the earth than the agricultural labourer; that he could not call his soul his own, and that he was afraid to find in his employer or someone else an enemy. Well, he lived in the northern part of the island and certainly nobody would describe a Scottish labourer in those terms. But granting, for the sake of argument, that any man who was a tenant to another man became thereby his unhappy subordinate, at the will and beck of that other man, did the hon. Gentleman apply his epithets to all the cultivators of the country, and say that their desire was to walk erect and become independent? He did not know what the hon. Member's feeling was, but if he had to choose between being a tenant of the average county council or a tenant of the average landlord he would not hesitate to choose the landlord.

*MR. LEIF JONES said his contention was that the tenant was for the purpose of cultivation in as good a position as an owner. He was not contrasting one class of tenant with another.

MR. A. J. BALFOUR said it used to be held by Liberal and Radical politicians that tenants were mere servants of a tyrannical landlord who could turn them out at pleasure and command their politics and votes.

*MR. LEIF JONES disclaimed responsibility for such a statement. He had never said anything like that.

MR. A. J. BALFOUR said that the hon. Gentleman had the felicity of belonging to a Party which had made the statement, and had done so so recently as during the discussion of the Scottish Bill. The hon. Gentleman sitting on the Treasury Bench said that he had to defend a Bill the essence of which was fixity of tenure so that the tenants might no longer feel that they were in a position of servitude.

MR. LUPTON (Lincolnshire, Sleaford): We are going to raise the labourers' estate.

MR. A. J. BALFOUR said he was pointing out the difference between the two Bills of the Government dealing with land. Was the hon. Gentleman prepared to apply one set of principles in dealing with one case and another set when dealing with his own county?

MR. LUPTON: Certainly.

MR. A. J. BALFOUR said the hon. Member for the Appleby Division thought that the tenant might walk erect, but that the labourer might not. He said the Bill was going to give independence to some class. Was it not the class of agricultural labourers?

*MR. LEIF JONES: I was making a contrast. My emphasis was on the word "walk" rather than "erect." What I endeavoured to say was that while hon. Gentlemen opposite were fond of talking of people being rooted to the soil, we wanted them to be able to walk erect on the soil and move on from stage to stage.

MR. A. J. BALFOUR thought that that must have been an extract from one of the hon. Gentleman's excellent temperance speeches. He would point out to the House the extraordinary inconsistency of the position of the Government and of a section of the supporters who believed in land nationalisation. It had been represented that if only the land was owned by county councils and municipalities all the cultivable land of the country would be cultivated, that the area and amount of production would be enormously increased; in short that the waste places of the land were solely due to private ownership. As a matter of fact it was out of private ownership of land, including small private ownership, and out of that alone that we could really get the waste places cultivated. Did the author of the Bill suppose that the new tenants should be asked to cultivate the waste land of England? The idea was absurd. If these lands were waste it was because the old tenants, cultivating in some respects under far more favourable circumstances, could not make them pay. If the new small tenants were successful it would be at the expense of the old tenancies which were now succeeding. They could turn out the old tenant and divide his land, and if he had prospered the new tenant might get on, sometimes perhaps even better than the old tenant, but the idea that they had only to hand over the land to a municipality and that that authority would be able to let it to people who would extract from it a good living was the most fantastical view of the possibilities of agriculture in England ever put forward on the responsibility of an important Party in that House. He thought the best system of land cultivation was probably a mixed system. He believed it would be a great disaster to destroy all the large estates and large farms, and on the other hand he welcomed the idea that small farms and small owners were to be multiplied. He hoped they would not, in consequence of the theoretical crotchet of a certain school of economists, destroy the very foundation of the system under which alone agriculture could be properly conducted. He wished to ask one question in connection with land naturalisation. Did hon. Gentlemen below the gangway hear the speech of the Solicitor-General, and his reference to the part of the Bill which gave the landlord the power of resumption when the land was ripe for building? Probably it was true that it would not be wise to stereotype the agricultural character of lands in growing urban communities; but this was the antithesis of land nationalisation. The Solicitor-General had thrown over that favourite doctrine of hon. Gentlemen below the gangway, and had introduced an elaborate provision by which what was called the unearned increment would go, not to the community, but to the owner of the land. One word upon the crucial point of the whole question. Let the House remember that agriculture was not a profession in which there were either great prizes or great fortunes to be attained. It was an industry in which neither the owner nor the cultivator nor the worker on the soil could hope for those great prizes which attached to certain urban industries, which had an attraction just because while, among other things, they had an element of gambling risk, they had also great prizes. If they were going to induce people either to buy or cultivate the land, they must use every motive they had at their disposal, and there was no motive outside pecuniary profit which had so great an effect upon human industry as ownership. Could anybody deny that the universal experience of mankind was that the sense of ownership, especially in connection with land, had produced the most marvellous effects? He did not agree with those who alleged that this nation was lagging behind the rest of the world in the management of acres of land. It was doing nothing of the kind. So far as large holdings were concerned, he believed we were far ahead of any nation in the world; but there were some things that could be got out of small holdings which could not be got out of large. Both were required. But could they make small holdings really a success unless they gave the cultivator that perpetual spur to industry and saving which ownership, and ownership alone, gave? The universal experience of mankind was on the side of those who said they could not. Taking a broad area, it was hopeless to expect to make it a success unless the small occupier had the perpetual hope of increasing his means, the passionate love of his home, and the desire to leave that home to his children—all those motives which had a very noble side, though they might occasionally take a sordid form, and which were not connected with mere money-making. Those motives the Government refused to appeal to so long as they confined their Bill to occupancy and declined to extend it to ownership. That, put shortly, was the plea he earnestly addressed to the Government for accepting the Amendment of the hon. Baronet. Let the Government remember that the Amendment did not destroy their Bill. It only gave an alternative to the county council. The speech of the Solicitor-General seemed based on the idea that the Amendment made the Bill one for compulsory purchase. Nothing of the kind. It gave a freedom, and a needed freedom, to the councils, and this was eminently a case in which they might, in the cant phrase, "trust the people." He earnestly hoped, for his part, that wherever possible they would find it possible to adopt that system of small ownerships which was the true root and secret of any successful system of small cultivation.

*Mr. LYNCH (Yorkshire, W.R., Ripon) observed that before they went to a division he wished as a loyal supporter of the right hon. Gentleman and of his Bill to say a word or two in order to persuade him to accept this Amendment. With the greater part of the speech just delivered by the Leader of the Opposition he could not say that he was in agreement. He could not say honestly that under the Bill of the right hon. Gentleman they would not succeed in putting first rate small holders on the land. He thought there were great advantages in favour of the principle of this Bill which the right hon. Gentleman who had just addressed the House had not brought out; but all that those who supported the Amendment asked was that the right hon. Gentleman who brought in the Bill should leave it optional to the county councils to take whichever course they liked. They wished to avoid forcing down their throats the principle of leasing; they desired to put trust in the county councils and allow them to take whichever of the two courses they liked, either leasing or purchase. What were the objections to the Amendment brought forward by the right hon. Gentleman in charge of the Bill? None that made any impression on his mind. The right hon. Gentleman truly said that they had had no great demand for small holdings under the Act of 1892; and he gave as the reason that under that Act there was no provision for leasing. But surely the right hon. Gentleman would agree with him, that the fundamental reason for the failure of the Act of 1892 was, that it gave no compulsory powers whether in regard to purchase or to leasing. What did the right hon. Gentleman himself say in bringing in this Bill? He said—

> "As a landlord myself I welcome the compulsion which is comprised in this Bill; and, if the House will forgive a personal allusion, I

> will tell them why. I stand in a position very common to many of my class—a position of considerable difficulty and limitation. I am a tenant for life of what the law calls my estate—a tenant for life under a very strict settlement of entail. I have no son, and I am therefore compelled, at all events I am morally bound, and so are my trustees, without whom I cannot act, to have regard in the treatment of my estate to the interests of the ultimate remainder man, who may be a distant relative, and to exercise strictness of administration, with absence of social and political bias, which I should not feel myself compelled to exercise if I had a son or if I were the owner of the fee simple. Therefore I say I welcome this compulsion."

If the right hon. Gentleman welcomed this policy for the purpose of leasing what argument could he bring forward against extending it to purchase and resale to small holders? He heard no answer; and if they really came to close quarters with the Amendment they would find that both the principle of selling as well as that of leasing had been successful in the institution of the small holdings that already existed in England. The whole administration of this matter would be left in the hands of the county councils, and he could not see what possible reason there could be why the whole question should not be left in their hands to deal with as they liked. He would repeat that he spoke these few words as a strong supporter of the Government and of the Bill.

MR. MILDMAY (Devonshire, Totnes) said that in his judgment it had been shown that ownership had produced co-operation, thrift, and frugality. He did not rise, however, to argue the question which the Amendment raised, but to appeal to the right hon. Gentleman not to put on the Government Whips in the ensuing division, because he thought this was a matter which ought to be left to the House to decide for themselves. Members were not actuated by Party motives, as they had shown by their speeches, and he was sure the House would welcome the opportunity of being able to vote freely on this matter.

SIR J. DICKSON-POYNDER said it had been admitted by the right hon. Gentleman that if this Amendment were passed it would not interfere with the smooth working of the Bill. That being so he appealed to the right hon. Gentleman to allow the House to vote as they pleased, unfettered by any party restraint.

MR. HARCOURT said he did not propose to inflict any further argument on the House at this stage of the Bill, nor did he think it was necessary to deal in detail with the interesting lecture delivered by the right hon. Gentleman the Leader of the Opposition. If he had thought it worth while to go into that, he would have felt inclined to say that the Bill as proposed was perhaps the greatest step for the subdivision of land that had been taken in the last fifty years in the direction of creating small occupiers. He was sorry that he was unable to give his consent to the appeal made by his hon. friend. He had listened with great interest and instruction to the debate. Two right hon. Gentlemen had advanced the argument—which was worth noting for future use, and would be interesting to their landlord friends and tenants in the country—that farming tenancies must be a failure and that the only successful system was ownership of the land.

MR. A. J. BALFOUR said that, according to the ordinary profits of agriculture, success could only be achieved either as a large farmer of a small owner. Small occupiers working under special difficulties had not sufficient stimulus to make the system a success.

MR. HARCOURT said that the whole of the argument on the Amendment had been conducted according to the view that he had left no optional powers to the local authorities to sell land. He had left the optional power which the right hon. Gentleman and his friends had thought to be amply sufficient for the purpose in 1892. In this Bill he enabled the county council to dispose of any land by sale which they might acquire by agreement, but he had not thought it right compulsorily to acquire land from one man in order merely to hand it over as the possession of another individual. The magic of ownership was much less attractive to a man who found that nearly all his capital was used up in securing the ownership, and that he had not been left with enough money to put stock on the farm, so as to turn over the value of his capital. One of the dangers of putting in permissive sale was this. He did not like to assume that there would be a large number of obstructive county councils in the country, but there were a certain number; and it was conceivable that, owing to the circumstances of their counties and the particular quality of the land there, these bodies might decline to let to anyone, though willing to sell under certain terms. The suggested permission would be giving a handle and an engine to an obstructive county council, and he would not be a party to the policy.

Question put.

The House divided:—Ayes, 84; Noes, 217. (Division List No. 410.)

AYES.

Acland-Hood, Rt. Hn. Sir Alex. F.
Anson, Sir William Reynell
Ashley, W. W.
Ashton, Thomas Gair
Aubrey-Fletcher, Rt. Hon. Sir H.
Balcarres, Lord
Balfour, Rt Hn. A. J. (City Lond.)
Banbury, Sir Frederick George
Baring, Capt. Hn. G (Winchester
Barrie, H. T. (Londonderry, N.
Beach, Hn. Michael Hugh Hicks
Beauchamp, E.
Beck, A. Cecil
Beckett, Hon. Gervase
Bellairs, Carlyon
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Bull, Sir William James
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey
Chamberlain, Rt. Hn. J. A. (Worc.
Chaplin, Rt. Hon. Henry
Cheetham, John Frederick
Cochrane, Hon Thos. H. A. E.
Collings, Rt. Hn. J (Birmingh'm)
Corbett, T. L. (Down, North
Courthope, G. Loyd
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers
Du Cros, Harvey
Faber, George Denison (York)
Ferguson, R. C. Munro
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Gretton, John
Hardy, Laurence (Kent, Ashford
Harmsworth, Cecil B. (Worc'r)
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Helmsley, Viscount
Henderson, J. M. (Aberdeen, W.
Hill, Sir Clement (Shrewsbury)
Hornby, Sir William Henry
Hunt, Rowland
Kekewich, Sir George
Kenyon-Slaney, Rt. Hon. Col. W.
Keswick, William
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Long, Rt. Hn. Walter (Dublin, S.
Lonsdale, John Brownlee
Lynch, H. B.
Lyttelton, Rt. Hon. Alfred
Maddison, Frederick
Middlemore, John Throgmorton
Mildmay, Francis Bingham
Moore, William
Morpeth, Viscount
Napier, T. B.
Nicholson, Wm. G. (Petersfield)
Nield, Herbert
Pease, Herbert Pike (Darlington
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Ridsdale, E. A.
Ronaldshay, Earl of
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Sloan, Thomas Henry
Stanley, Hn. A. Lyulph (Chesh.
Starkey, John R.
Talbot, Lord E. (Chichester)
Tennant, H. J. (Berwickshire)
Thomson, W. Mitchell (Lanark)
Valentia, Viscount
Verney, F. W.
Walker, Col. W. H. (Lancashire
Wilson, A. Stanley (York, E.R.)

TELLERS FOR THE AYES—Sir John Dickson-Poynder and Mr. Bertram.

NOES.

Abraham, William (Rhondda)
Ainsworth, John Stirling
Allen, A. Acland (Christchurch)
Asquith, Rt. Hn. Herbert Henry
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset
Barry, Redmond J. (Tyrone, N.
Bell, Richard
Benn, W. (T'w'r Hamlets, S. Geo.
Berridge, T. H. D.
Bethell, Sir J. H. (Essex, Romt'rd
Bethell, T. R. (Essex, Maldon
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Buchanan, Thomas Ryburn
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Chance, Frederick William
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Cleland, J. W.
Clough, William
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Collins, Sir Wm. J (S. Pancras, W.
Corbett, C. H (Sussex, E. Grinsted
Cowan, W. H.
Craig, Herbert J. (Tynemouth
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.
Dewar, Arthur (Edinburgh, S.)
Dickinson, W. H. (St. Pancras, N.
Dilke, Rt. Hon. Sir Charles
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Edwards, Sir Francis (Radnor)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Fiennes, Hon. Eustace
Findlay, Alexander
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.

Fullerton, Hugh
Gibb, James (Harrow)
Gill, A. H.
Gladstone, Rt.Hn.HerbertJohn
Glover, Thomas
Goddard, Daniel Ford
Grant, Corrie
Grey, Rt. Hon. Sir Edward
Gurdon,Rt.Hn.SirW.Brampton
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Harvey, A. G. C. (Rochdale)
Harvey,W.E.(Derbyshire, N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Holland, Sir William Henry
Holt, Richard Durning
Hope,W.Bateman(Somerset,N.
Horniman, Emslie John
Hudson, Walter
Hyde, Clarendon
Jardine, Sir J.
Johnson, John (Gateshead)
Jones, SirD.Brynmor(Swansea)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Jowett, F. W.
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lardner, James Carrige Rushe
Lea, Hugh Cecil (St.Pancras, E.
Lehmann, R. C.
Lever, A.Levy (Essex,Harwich
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Macdonald, J. R. (Leicester)
Macdonald, J.M.(FalkirkB'ghs
Mackarness, Frederic C.
Maclean, Donald
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah (Down, S.
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Micking, Major G.
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Marks, G.Croydon(Launceston)
Marnham, F. J.
Massie, J.
Masterman, C. F. G.
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Montagu, E. S.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Nicholson, CharlesN.(Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
O'Donnell, C. J. (Walworth)
O'Kelly,James(Roscommon,N.
Parker, James (Halifax)
Paulton, James Mellor
Pearce, William (Limehouse)
Philipps, Owen C. (Pembroke)
Pollard, Dr.
Price, C. E.(Edinb'gh, Central)
Priestley, W.E.B. (Bradford, E.
Radford, G. H.
Rainy, A. Rolland
Raphael, Herbert H.
Rendall, Athelstan
Richards, Thomas(W.Monm'th
Richards, T.F. (Wolverh'mp'n
Rickett, J. Compton
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Roberts, John H. (Denbighs.)
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Rogers, F. E. Newman
Rowlands, J.
Rutherford, V. H. (Brentford)
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott, A.H.(Ashton-und.-Lyne
Sears, J. E.
Seddon, J.
Seely, Major
Shackleton, David James
Sherwell, Arthur James
Shipman, Dr. John G.
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs, N.W.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe
Thompson,J.W.H.(Somerset,E.
Thorne, William
Torrance, Sir A. M.
Trevelyan, Charles Philips
Vivian, Henry
Walker, H. De R. (Leicester)
Walsh, Stephen
Walters, John Tudor
Walton, Joseph (Barnsley)
Ward, John (Stoke-upon-Trent
Ward, W.Dudley(Southampton
Wardle, George J.
Warner, Thomas Courtenay T.
Waterlow, D. S.
Wegdwood, Josiah C.
White, J. D. (Dumbartonshire
White, Luke (York, E. R.)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilkie, Alexander
Williams, J. (Glamorgan)
Wills, Arthur Walters
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid.)
Wilson, J. H. (Middlesbrough
Wilson, P. W. (St. Pancras, S.
Wilson, W. T. (Westhoughton)
Winfrey, R.
Yoxall, James Henry

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

COLONEL KENYON-SLANEY (Shropshire, Newport) said he desired to suggest a very small Amendment to ensure that the holders would "personally" cultivate their holdings. The object was perfectly obvious, that the holdings should be given to persons who were really *bona-fide* cultivators. As the Bill stood, it seemed that people could come into possession of a holding without being personally connected with its cultivation. He did not think that was the object of the framers of the Bill, but that it was their intention, as far as reasonably possible, to provide that the type of men who got possession of these small holdings should be *bona-fide* cultivators, not amateur casuals, or urban residents, living perhaps elsewhere. These latter were not the class of people that both sides of the House desired to get under this Bill. The county councils who had to select the small holders would, of course, secure their economic position as far as they could, and they would naturally be a little bit prejudiced in favour of applicants who had some pecuniary resources, some little capital to fall back upon, which would enable them to stand the brunt of a bad season. There would be many of these applicants with a little capital who would be willing to embark it in a small holding; but the agricultural labourer had only his own industry and special knowledge, which were the capital that he put into the land. Therefore, if they did not make it necessary that the cultivation should be "personal" they would cut off from the agricultural labourer the chance of his getting a small holding. It was to guard against that contingency that he desired the insertion of this word "personally." It might be said that it would bar a man from the help which his family could render, but he did not believe that that would be the result of the Amendment, though he was perfectly willing to accept any other word or form of words which would achieve the object he had in view, namely, to get a small holder who would be a *bona-fide* and genuine cultivator, and personally work his holding. He wanted to bar the outsider from coming in, who was not so much an agriculturist as one who wanted to take a pleasant interest in the holding, one who was not always there, a week-ender, a man who wanted to enjoy some of the amenities of a country home without being a *bona-fide* cultivator. He also desired, in the competition that took place for holdings, that a first chance should be given to the labourer who would actually and personally cultivate the land. If any objection were seen to the actual word "personally," he would be glad to substitute some other. He very much wished that the Bill should ensure that the small holdings went to the right class of men, whose number they desired to increase and whose position they sought to secure. In certain districts there would be a competition for these holdings, and they should try to secure for the men in whom they were chiefly interested the first chance, and he hoped, in that spirit, his Amendment would have the approbation of the Government. He could assure them that he would be only too glad to accept any other word or words which might be considered more appropriate if it carried out the essence and spirit of his Amendment. He begged to move.

Colonel Kenyon-Slaney.

MR. COURTHOPE (Sussex, Rye), in seconding the Amendment, submitted that some such word as "personally" should be inserted in the Bill to make it absolutely certain that the right type of men would be secured for these small holdings. It would be possible for a market gardener under the Bill to obtain five or six small holdings for his purposes as a market gardener at the lower rate instead of the higher rate which he would have ordinarily to pay for market garden land. It would appear to be very necessary that some words should be introduced to ensure their getting the right type of man.

Amendment proposed—

"In page 4, line 32, after the word 'themselves,' to insert the word 'personally.'"—(*Colonel Kenyon-Slaney.*)

Question proposed, "That the word 'personally' be there inserted in the Bill."

SIR W. ROBSON thought that so far as the object could be carried out the word "themselves" was sufficient for the purpose. The word would not be qualified by "personally," and the word "personally" was not in the Act of 1886 nor in the Act of 1892. He thought danger would arise from the introduction of the word "personally." The meaning of the Clause as it stood was that the smallholders should "themselves" cultivate the land, and the introduction of the word "personally," he was afraid, might put an undesirable limitation upon the size of the holding and on the type of tenant. Let them take, for instance, a holding of fifty acres, which was the maximum limit under the Bill. He apprehended that the personal cultivation of anything like that amount of land would be rather difficult. The small holder must have assistance and co-operation of some sort. If the word "personally" was inserted it might be construed that the size of the holding was to be cut down to what a man could cultivate himself. That would be a very unsatisfactory result, and was not the result which the right hon. Gentleman himself desired. The word "themselves" must, in fact, mean personal cultivation.

Then they were desirous of including the village blacksmith, the wheelwright, and others, who might take ten or twenty acres, but who might not be personal cultivators. The introduction of the word "personally" would make the clause very difficult of construction.

COLONEL KENYON-SLANEY said he quite agreed with what the hon. and learned Gentleman had said, and he was perfectly willing to substitute some other word or form of words, such as "where he is helped by any member of his family or by hired labour," or anything which the hon. and learned Gentleman chose in order to carry out the object he had in view. They had had considerable discussion on a cognate point in the Scottish Grand Committee. There they came to an agreement to introduce the words "or with hired labour." These words would make it absolutely certain that the county council would secure a *bona-fide* tenant, although not the only hand employed. In the case of a fifty-acre holding the small holder would have the assistance of a boy to lead his horse, and in harvest time he might have several men to assist him for a day or two. Perhaps the hon. and learned Gentleman would accept "personally, with or without hired labour." That would fully meet his view, and would help to ensure that the Act went in the direction that it was always intended it should go.

SIR W. ROBSON thought the word "themselves" was sufficient. He was very much against importing another word.

COLONEL KENYON-SLANEY asked leave, in the interests of brevity, to withdraw his Amendment.

Amendment, by leave, withdrawn.

MR. HICKS BEACH (Gloucestershire, Tewkesbury) moved an Amendment with the object of restricting the operations of county councils in the acquisition of land for the purposes of the Bill to the area of their own counties. He saw no reason at all why the county council should step outside the limits of its own county for the purpose of acquiring land. Under the Bill county councils would have power to acquire land for small holdings, not merely in their own county, but also, if necessary, in places outside. He did not say it was likely, but it was possible under the Bill for any county council to wander into another county. It was also quite possible for the London County Council or the council of any county borough, to take land by agreement for small holdings in any part of England they liked. He could not think that that was desirable. It was not desirable for one body to go and take land in an area which belonged to the ratepayers of another county, nor that the London County Council should be able to acquire land wherever they liked for the provision of small holdings for ratepayers of London. The clause as it stood would have the very painful effect of giving greater advantage to the inhabitants of towns than to the inhabitants of the country. The Bill was intended not so much to get the people back to the land, as to keep the people on the land and diminish the exodus to the towns. If they wished to check rural depopulation the way to do it was by measures of this kind, to keep the present population on the land, and not by attracting people from the towns who had probably paid no attention to agriculture. He contended that the inhabitants of the rural distircts ought to be have a prior claim, and under this Bill it was perfectly possible for any county council by acquiring land by agreement or by compulsion to get ample land in their own area to meet the requirements of those now living in that particular county. He did not think it was desirable to allow a county council to step over its borders and obtain land in a neighbouring county; that would only lead to friction between the counties concerned. They should remember that the result of purchasing land by one county council in another county might be that the rateable value of that particular county would increase considerably or on the other hand it might cause the rateable value seriously to diminish. The ratepayers who suffered would not be those who resided in the area of the county which acquired the land, but those who lived in the county where the land was situated. He did not think that was fair. He might be told that in the Act of 1892 there was no restriction of this kind. In reply to that argument he would say that in that Act the county councils had power to acquire land only by agreement and they were not given the same opportunities for acquiring land in their own county as were provided under this Bill. He begged to move.

VISCOUNT MORPETH (Birmingham, S.) pointed out that as the Amendment making residence in the county a qualification had not been pressed it was quite possible under the Bill for those living over the edge of the boundary to have holdings provided for them. If the clause remained as it was now it would be possible for the larger counties, and especially the county boroughs, to compete in the neighbouring counties in order to plant down unsuitable cultivators of small holdings. In spite of what had been said about the millions of uncultivated acres of land there was only a limited amount of land in the country, and if the county councils were left to compete for it great difficulties would arise. Already the greatest difficulty had arisen on account of county borough and urban district councils coming into the countryside and taking, perhaps, the only available water supply. This was a question which had to be faced, and some controlling authority would have to be established to apportion the water supply of the country. If this clause was left in it was quite possible that what had happened with regard to the water supply would occur with regard to the land, and they would have to protect the rural counties from the depredations of the county boroughs. There was another matter to which he attached the greatest importance. Those acquainted with the county councils and the parish councils in the rural districts were content to trust to the sense of justice of the inhabitants of those districts. They believed that where cases of injustice were likely to arise, they could rely upon the common sense, the good feeling and sense of fair play of those concerned to see that no great harm was done. If they did not rely upon that it should not be forgotten that they were able to exercise some influence at the election of those local bodies, and if the council adopted a wrong policy it was easy for them to get that policy altered. The county council and the county borough council coming into a neighbouring county were under no sort of control at any election and in no sense were they amenable to the public opinion of the place where the small holdings had been set up. Consequently, it was likely that the very greatest injustice would be done because those bodies would be acting in complete ignorance of local conditions. There were also other difficulties in regard to management. Granting power to one county council to set up small holdings in the area of another county would lead to the greatest difficulty in the way of management by sub-committees. For these reasons he seconded this Amendment. He believed the provisions in the Bill would lead to administrative friction, quarrels and complaints, and hinder the cause which the right hon. Gentleman opposite was so anxious to advance.

Amendment proposed—

"In page 4, line 32, to leave out the word 'whether.'"—(*Mr. Hicks Beach.*)

Question proposed, "That the word 'whether' stand part of the Bill."

SIR W. ROBSON doubted whether there was any substantial danger of counties in general going beyond their own boundaries in order to expatriate their own citizens or present neighbouring counties with an additional rateable value. It should not be forgotten that there were cases in which a county should have the right to go over its own boundaries if it thought fit, and it was in order to provide for such cases that this power had been placed in the Bill. It was not an unusual power to give; it was given under the Local Government Act of 1898 when the power of acquiring land was conferred upon the county council, and in that case there was no limit as to the boundary. Of course the scheme had to be settled by the Board, and it was unlikely that the Board of Agriculture would allow any injuctice of the kind which had been mentioned by the mover and seconder of the Amendment.

MR. CHAPLIN thought the Solicitor-General was mistaken in his contention. He would remind him of a provision in Clause 3, that—

> "Where the Commissioners report or the county councils concerned are of opinion that a scheme should be made affecting two or more counties the scheme may be prepared by the councils jointly and they may provide for joint action being taken by the councils."

Therefore in difficulties with regard to boroughs or other places within a particular county and situated near its borders, there would be no difficulty. The Solicitor-General appeared to have overlooked that provision. Nothing in this Amendment could lead to any of the difficulties which the hon. and learned Gentleman had anticipated. He thought that on general grounds it was desirable that each county council should confine its operations as far as possible to its own county.

MR. CAVE (Surrey, Kingston) expressed the hope that the House would remember that they were dealing with a proposal to confer powers on a county council to acquire land by compulsion outside its own area. That was a very serious matter. Under the Public Health Act of 1875 there were provisions which enabled a local authority to exercise certain powers outside its own area with the assent of the authority for the adjoining district. If, under this Bill, a county council desired to acquire a piece of land suitable for small holdings in an adjoining county, there might be two councils competing for the same land. He held it would be undesirable that the London County Council should compete with the Surrey County Council for the same piece of land in Surrey. That had been shown in connection with the question of water. London and other places took water more and more from Surrey, with the result that the supply available for the people of the county was being seriously diminished. Very soon there would not be enough water for the people of Surrey. Here they were dealing with a matter which would require hundreds of acres. If a county council desired to set up small holdings, it might exercise its compulsory powers with respect to the most desirable land it could find in another county altogether. Everyone who had experience of local government would see that a serious question was raised by the Amendment. He thought the powers to be exercised by a county council for the compulsory acquisition of land should be exercised only within that county. The people of a particular county should have a prior claim to the land of their own county.

*MR. WINFREY (Norfolk, S.W.) said the words which the Amendment proposed to omit were most valuable from the countryman's point of view. He knew of a case in point in Lincolnshire which showed how necessary it was to have this power. Men residing in the south part of the county desired to have small holdings. The most suitable land was just over the border in Cambridgeshire, and an effort was made to obtain it, but the county council in whose area it was situated declined to co-operate with the Lincolnshire Council. Therefore, he welcomed these words so far as countrymen were concerned.

*MR. LANE-FOX (Yorkshire, W.R., Barkston Ash) said that this was a question which vitally affected his own constituency. His reason for supporting the Amendment was that he did not wish to see his constituency made a refuge for the whole of the West Riding. He represented a division which was at the beginning of the open country after a series of urban areas. If this Amendment was not accepted they might suffer in another form encroachments of the county boroughs which they had already suffered in certain directions. The hon. Member for South-West Norfolk had referred to a conflict between two county councils, but he thought that it was a kind of conflict which would be less likely to arise in future. He hoped the interests of county councils would not be prejudicially affected by the proposals in the Bill that outside authorities should have compulsory powers of acquiring land in their area.

*MR. COURTHOPE said the instance mentioned by the hon. Member for South-West Norfolk was a strong argument in favour of the Amendment.

He did not think they should assist a county council to obtain land in another county against the wish of the council of the latter county. The county council of the area where the land was taken might in a few years wish it for themselves. The hon. Member desired to override the county council which had jurisdiction in the area where the land was situated. The county council of Surrey might at a particular time on account of economic considerations be prevented from developing the whole of the suitable land within its own area, though it might want that land in future. The London County Council which was not restricted to such narrow limits in the matter of expenditure might draw up a scheme and apply for land in Surrey, and the Board might approve of the scheme, there being no immediate competition. In years to come that land might be required by Surrey County Council. He thought co-operation between county councils should be a condition precedent when it was proposed by one council to take land in the area under the jurisdiction of another.

COLONEL KENYON-SLANEY said the Solicitor-General had stated that the acceptance of the Amendment would be a serious thing for big towns. He would ask the hon. and learned Gentleman whether its non-acceptance would not be a serious thing for some country districts. A Bill which was supposed in the first intance to be for the interest of the country districts should give those districts the first consideration. If small holdings were to be successful they must be set up in groups so that they might be worked on economic lines. There might be one or two of these places available, and a big neighbouring town desiring to set up a colony for 200 or 300 people might acquire the land. Would that be fair to the residents in the country? If they allowed the great towns to come in they would drive away from their natural places the men whom it was said they desired to support by this Bill. He urged upon the Government and the House that really the chief benefit of the Bill would be in the direction of helping those who were now agricultural labourers and rural residents and preventing them from drifting into the towns. He thought that the endeavour to call back those who had removed into the towns would be a doubtful experiment. What was wanted was to keep those on the land who were already there. The right hon. Gentleman must recognise that if he put in competition with the county councils of some particular counties the needs and desires of great urban centres all over England it would be extremely dangerous from the point of view of the residents of the counties which were to be invaded by men from the towns. It was not a fair thing to do. He did not say that it was right to limit the acquisition of land by the urban authorities so long as that acquisition was made by agreement. But where the land was to be taken by compulsion quite a new set of circumstances came into existence. If his hon. friend withdrew his Amendment perhaps the right hon. Gentleman would favourably consider the proposal standing in the name of the hon. Member for Kingston. They on the Opposition side of the House would then be satisfied and willing to come to terms with him. The objections he and his friends had to the Bill were not bogus or sham objections, but were really felt; and Amendments such as that now under consideration were absolutely vital if they were going to make the Bill a success.

MR. HARCOURT said that he would be falsifying his pledges if he accepted the Amendment.

Question put.

The House divided:—Ayes, 216; Noes, 42. (Division List No. 411.)

AYES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Baker, Sir John (Portsmouth)
Baker, Joseph A.(Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barry, Redmond, J. (Tyrone, N
Beauchamp, E.
Beaumont, Hon. Hubert
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn, W.(T'w'rHamlets,S.Geo.
Berridge, T. H. D.
Bethell, SirJ.H.(Essex,Romf'rd
Bethell, T. R. (Essex, Maldon)
Birrell, Rt. Hon. Augustine

Mr. Courthope.

Black, Arthur W.
Brace, William
Bramsdon, T. A.
Branch, James
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clarke, C. Goddard (Peckham)
Cleland, J. W.
Clough, William
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Corbett, CH(Sussex, E.Grinst'd
Craig, Herbert J. (Tynemouth)
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dickinson, W.H.(St.Pancras, N.
Dilke, Rt. Hon. Sir Charles
Duncan, C.(Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Edwards, Sir Francis (Radnor)
Elibank, Master of
Essex, R. W.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Findlay, Alexander
Fuller, John Michael F.
Fullerton, Hugh
Gibb, James (Harrow)
Gill, A. H.
Gladstone, Rt. Hn. Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Grant, Corrie
Gurdon, Rt Hn. Sir W Brampton
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harvey, A. G. C. (Rochdale)
Harvey, W.E.(Derbyshire, N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hazleton, Richard
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson, J.M.(Aberdeen, W.
Henry, Charles S.
Higham, John Sharp
Holland, Sir William Henry
Hope, W. Bateman (Somerset, N
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Jardine, Sir J.
Johnson, John (Gateshead)
Jones, Sir D. Brynmor (Swansea
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Jowett, F. W.
Kekewich, Sir George
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lamont, Norman
Lardner, James Carrige Rushe
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Luttrell, Hugh Fownes
Lynch, H. B.
Macdonald, J. R. (Leicester)
Macdonald, J.M(Falkirk Bg'hs
Maclean, Donald
M'Callum, John M.
M'Crae, George
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Masterman, C. F. G.
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Montagu, E. S.
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Nicholson, Charles N (Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
O'Donnell, C. J. (Walworth)
O'Kelly, James (Roscommon, N
Parker, James (Halifax)
Pearce, Robert (Staffs. Leek)
Pearce, William (Limehouse)
Pearson, W.H.M.(Suffolk, Eye)
Pollard, Dr.
Price, C. E. (Edinb'gh, Central)
Priestley, W.E.B.(Bradford, E.
Radford, G. H.
Rainy, A. Rolland
Rees, J. D.
Rendall, Athelstan
Richards, Thomas (W Monm'th
Richards, T.F. (Wolverh'm'pt'n
Rickett, J. Compton
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Roberts, John H. (Denbighs.)
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Rogers, F. E. Newman
Rowlands, J.
Runciman, Walter
Rutherford, V. H. (Brentford)
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott, A.H. (Ashton-und.-Lyne
Sears, J. E.
Seddon, J.
Shackleton, David James
Sherwell, Arthur James
Shipman, Dr. John G.
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Ches.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Sutherland, J. E.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thompson, J.W.H(Somerset, E.
Torrance, Sir A. M.
Trevelyan, Charles Philips
Vivian, Henry
Walker, H. De R. (Lciecester)
Walsh, Stephen
Walters, John Tudor
Walton, Joseph (Barnsley)
Ward, John (Stoke-upon-Trent
Ward, W. Dudley (Southampton
Wardle, George J.
Waring, Walter
Warner, Thomas Courtenay T.
Wedgwood, Josiah C.
Weir, James Galloway
White, Luke (York, E. R.)
Whitley, John Henry (Halifax)
Wilkie, Alexander
Williams, J. (Glamorgan)
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid)
Wilson, J. H. (Middlesbrough)
Wilson, J.W.(Worcestersh. N.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.
Yoxall, James Henry

Tellers for the Ayes—Mr. Whiteley and Mr. J A. Pease.

NOES.

Acland-Hood, Rt Hn. Sir Alex. F
Arkwright, John Stanhope
Ashley, W. W.
Aubrey-Fletcher, Rt. Hn. Sir H.
Balcarres, Lord
Baring, Capt. Hn. G (Winchester

Barrie, H. T. (Londonderry, N.)
Beckett, Hon. Gervase
Bowles, G. Stewart
Bridgeman, W. Clive
Castlereagh, Viscount
Cave, George
Cecil, Evelyn (Aston Manor)
Chaplin, Rt. Hon. Henry
Cochrane, Hon. Thos. H. A. E.
Corbett, T. L. (Down, North)
Courthope, G. Loyd
Douglas, Rt. Hon. A. Akers-
Faber, George Denison (York)
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gordon, J.
Hardy, Laurence(Kent,Ashford
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hills, J. W.
Hornby, Sir William Henry
Kenyon-Slaney, Rt.Hn.Col. W
Keswick, William
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Law, Andrew Bonar (Dulwich)
Lowe, Sir Francis William
Moore, William
Nicholson, Wm, G. (Petersfield)
Ronaldshay, Earl of
Salter, Arthur Clavell
Starkey, John R.
Thomson,W.Mitchell-(Lanark
Walker,Col.W.H.(Lancashire)

TELLERS FOR THE NOES—Mr. Hicks Beach and Viscount Morpeth.

MR. MASTERMAN (West Ham, N.) moved an Amendment providing that in voluntary arrangements between county councils and private owners for the leasing or purchase of land for letting in small holdings the price of the land purchased and the rent of the land taken on lease must have the approval of the Board of Agriculture. He pointed out that when moved in Committee the Amendment received support from Members on the Ministerial side of the House. Knowing what the circumstances were under which his Amendment was moved in Committee, he did not think it had received that full consideration which it deserved. At any rate, he was convinced that it was absolutely necessary for the Government to adopt it. The Amendment proposed that in regard to these voluntary arrangements between the county councils and the landowners for the leasing or letting of land in small holdings any such arrangement should receive the sanction as far as the price was concerned of the Board of Agriculture. In such voluntary arrangements there were three parties directly and vitally involved, the landowner, the county council, and the future or hypothetical tenant. Under the Bill as it stood only two of those parties had any kind of representation, and there was none for the tenant from first to last. It was his hope, however, that the Commissioners under the Board of Agriculture would stand as the representatives of the tenants in this case in order to insure that they should not be too heavily weighted from the beginning with a rent which they ought not to bear. Although the Commissioners could not establish a Fair Rent Court which he would like to see, he wished them to have the power to veto any illegitimate transaction. There were a number of facts which supported the demand for this power for the protection of the third person interested. Everybody knew that public bodies were the subjects of transactions of a kind which would not be permitted between individuals. No man was very disturbed in his conscience in regard to any swindle he had carried out in regard to public bodies. This had been shown in the past by dealings in water, land, gas, and other matters. It had always been the case that the private owner had got more than he ought to have got legitimately, and the public body had had to bear the extra cost. In regard particularly to the subject under discussion he had no desire to say anything offensive to hon. Members opposite, but in the southern counties at all events, although he did not suggest that there was anything illegitimate in the matter, the county councils consisted to a large extent of landlords and a few solicitors. There was a strong and probably an unconscious impulse on the part of these public bodies to give more than the full value, or at least the full value, for property acquired under compulsion from a similar class to that to which they belonged. In every case since 1892 in which this voluntary provision had been adopted he thought he was justified in saying the county councils had paid more than they ought to have paid, and to that extent small holders had been overweighted. He did not want to interfere with any transaction which was satisfactory, but there were possible three alternatives. Either the county council might say that they were willing to purchase land in a particular place and the small holders might say that the price was too large and they would not have the land on the terms. As far as he could understand, it would in that case be perfectly legitimate for the county council to say, "We offered the prospective small holders of this village land at what we considered a satisfactory price and they refused, and therefore there is no reason for any further experiment." But on the other hand the small holders might take the land and be burdened with the excessive price, and that meant they would be taxing, and for the benefit of the landowning class, the labour and energy of the small holders. He realised that hon. Gentlemen opposite had made a generous fight in the interest of the landlords, but he did not wish that an excessive price should be charged to the small holders. The third alternative was that the land being placed upon the small holder at an excessive price he might be ultimately landed in bankruptcy. Then the right hon. Gentleman and the Treasury came in and said that half of the loss incurred should be paid by the latter which had up to that time had no voice in the transaction. They had been discussing in Committee many and various safeguards for the landowning interest in regard to this Bill. They had barricaded them against any kind of loss. If small holdings failed they did not lose and if they succeeded they stood to gain. They had arranged that the compulsory powers should be placed in the county councils which were largely composed of the landowning class. They had arranged that any increase of value which might come from the neighbourhood of a town should go back to the landlords, and in fact that every penny of damage should be paid to them. On the other hand the Committee had not, he thought, arranged that the small holder should be launched on equitable terms. He recognised that on the report stage it was impossible to ask the Government to introduce a fair rent clause, but he wished that the rent to be paid should be subject to some kind of arbitration. Only two arguments had been used against this proposal. One was that the county council being desirous of snatching up small parcels of land would be prevented from doing so by having to appeal to Commissioners far away. He did not think that was a valid argument, because it would be as easy to obtain the sanction of the Commissioners or the Board of Agriculture as to obtain that of the county council itself. Then it was said that it would overweight the work of the Commissioners, but he did not think that that would be the case. His last point was that under the Treasury Minute the representative of the Treasury was concerned, and it was not sufficient to say that the transaction was over when the land had been acquired. His great contention was that there should be some next friend of the small holder who should be present at these voluntary arrangements.

*MR. LUTTRELL (Devonshire, Tavistock) seconded the Amendment, and said he would strongly urge the Government to accept it. After all, what was the object of this Bill? It was to provide small holdings for the people, but it was no use providing small holdings for the people unless they provided them at a price which the people could afford to pay. When they considered of whom the county councils were personally composed, they knew perfectly well that, as at present constituted, they consisted very largely of landowners, and although no doubt they did not wish to be unfair, they were almost of necessity bound to look upon the land at perhaps a higher value than it really was worth. It was common knowledge that most people looked upon their own possessions at a higher value than they really were worth, or, in common parlance, "all their geese were swans." What, however, the House was doing by this Bill was to make out of the swans of the county council geese of the people. He thought the great advantage of the Bill was that it gave the tenants security. The man who took a holding knew that he could continue on in that holding at a certain price and that the rent could not be raised. But if they were going to allow a man to take land at a higher price than its proper value a burden would be placed upon him which he might not feel immediately but which he must feel as years went on. Such a thing would do away absolutely with the great advantage obtained under the Bill. There were strong reasons, therefore, why the House should be in favour of this Amendment. The dangers of people paying too high a price for the land were apparent in Ireland. He was informed that in Ireland there was a very great danger in the future on account of the price that was paid for the land. It was proposed that the Board of Agriculture should be allowed to step in and say to the county council whether they considered the price was a fair one or not. The whole of the Bill was drawn up with the recognition of the subserviency of the county council to the Board, and therefore it was not too much to say that the Board should have some voice in this matter. It had a great knowledge of agriculture and would be of great service in determining the point. He therefore urged the right hon. Gentleman to consider very carefully whether he could not accept the Amendment.

Amendment proposed—

"In page 4, line 35, after the word 'lease,' to insert the words 'provided that the price of the land purchased and the rent of the land taken on lease shall be approved by the Board.'"—(*Mr. Masterman.*)

Question proposed, "That those words be there inserted."

*Mr. HARCOURT said he was sorry he could not modify his opinion and bring it more in accordance with that of his hon. friend, but he felt very strongly that they must keep the acquisition of land absolutely free. He must remind the House that the county council was already limited by the provisions of the Act of 1892 not to pay any price which would go beyond an economic rent covering the equipment, maintenance, and other charges of the holding. Under the Amendment, however, the Board would have to send down a valuer or arbitrator to inquire into every transaction, and that would absolutely kill acquisition by agreement. He was not afraid of collusive high prices between the council and a private landlord, which, to put it bluntly, was what the mover of the Amendment feared. He believed that in ninety cases out of 100 under this Bill agreements would be made for acquisition at a reasonable price which would save an enormous amount of compulsory action and so contribute to the economy of the transaction. County councils were now acquiring land for all purposes and only in this one case was their discretion to be fettered by the approval of a public authority where the land was acquired by agreement. One of the results of the announcement he had made on the previous evening was that the county council had been taken into a sort of limited partnership, which, if the county councils, in vulgar parlance, "played the game," would make them still more careful over the price they paid for the land; because the part payment of the loss was strictly limited to the case they were able to make to the Board of Agriculture, and the price which they paid for this land would be the first element of consideration in the minds of the Board in regard to the question of whether they would repay any part of the loss at all. The hon. Member had suggested that small holders might take land for which an excessive price had been paid. He did not think smallholders were inclined to pay excessive rents, and they were quite clever enough in any case to see how far that excessive rent was justified by the cost of equipment and the provision of buildings and other arrangements of a small holding which were necessary and which necessarily increased the rent. He did not think they would attempt to pay an uneconomic rent, nor did he think the county council would risk their doing so for any length of time, because they would inevitably find the land thrown back upon their hands.

Mr. CHAPLIN said the right hon. Gentleman had made a very fair and reasonable reply to the hon. Member. The hon. Member wished the Board to have a voice in the settlement of the price to be given for the land. His view was that of the three parties interested, the landowner, the county council, and the future tenant, the last was not represented, and therefore the Board should come in and take his interests under its wing. He was supported by the hon. Member for the Tavistock Division, who said that small holdings were no good if the rent and the purchase price were too high, and for that reason he was anxious for the Board to step in, in order that the county council should get the land at a price lower than he thought they otherwise would. The hon. Member had referred to his right hon. friend the Member for Bordesley in support of his view. As far as he could recollect his right hon. friend's statements, they were in a totally different direction. His right hon. friend was referring to the operations under the Act of 1892, and had said that it was only under the Act of 1892 that there was any instance of the successful acquisition of land for the purpose of small holdings, and he had cited the Catshill colony which was acquired under the Act of 1892. He did not think, therefore, that the statement of the hon. Member for North West Ham was altogether borne out by the facts, certainly not if statements of the right hon. Gentleman the Member for Bordesley were to be trusted. But how was the land to be acquired? It was to be acquired, in the case contemplated by the Amendment of the hon. Gentleman, by agreement between the county council on the one hand and the landlord on the other. Then he supposed that the county council would not fix the price themselves. They would call in a professional man, somebody perfectly able and competent to judge, and on his recommendation they would either come to an agreement or refuse the land. But that did not satisfy hon. Members. They said: "Oh dear, no; we must have a third party altogether; the Board of Agriculture must be called in to say whether the price is reasonable or whether it is not," and that, let it be marked, in the case where the land was avowedly to be purchased by agreement. What was the object? There was only one object in the minds of those hon. Gentlemen, and that was that the price fixed by the valuer should be lowered by the Board of Agriculture. Was that a business-like arrangement, or was it fair or just to the landlord? Would the hon. Member for Tavistock in ordinary transactions for the sale and purchase of land, after having employed valuers, like the Board of Agriculture to step in and say: "Oh dear, no; this is too great a price, much more than you are entitled to?" He sympathised with the object of hon. Members just as much as they did; they desired to provide small holdings, if possible, on terms which would permit of their being successful, and he sympathised with hon. Gentlemen because he believed that it was in the interests not only of future tenants, but of the community, that a great purpose of this kind, which was a national object—the provision of small holdings—should succeed; but why was one class alone, the landlords, to be called upon to make the sacrifice which was to render these small holdings a success? If they wished to accomplish a great national object, and they could not do it on ordinary business-like terms, then, if they were genuine in their wishes and proposals, and if they sought to be fair to parties all round, they must be content to see the nation called upon to pay for it itself. He had been wondering, in regard to this Amendment, whether the hon. Gentleman, who had displayed such ability in this controversy both upstairs and in the House, could really have in his mind what it proposed. He must say that, on the grounds that the right hon. Gentleman had stated, and which he had endeavoured to reinforce by a few words, he thought it the most unfair and iniquitous proposition that he had ever heard.

Mr. MORRELL (Oxfordshire, Henley) said that for fifty years past an arrangement of this sort had been in operation. It was very well known to all lawyers and to all buyers and sellers of land that the University Colleges Estates Act made it impossible for the University or college to sell or to buy land without getting the approval of the Board of Agriculture in the manner which the right hon. Gentleman said was utterly unjust to the landowner.

Mr. CHAPLIN: They have a charter; it is part of their charter.

Mr. MORRELL: But what happened whenever a contract was carried out between the college or University and the person who sold the land? The contract was to be subject to the approval of the Board of Agriculture. If they thought that the price was excessive in any way they revised and altered the contract. It might seem that this was a great disadvantage to the universities and colleges concerned. It might be thought that a valuer on the part of the Board of Agriculture was to come down and value the land. Nothing of the kind. All that was to be done was that a report was to be prepared by the local valuer on the spot, and that afterwards was to be submitted to the Board of Agriculture for approval, and they, having considerable experience in matters of this sort, were able to say whether it was a fair contract or not. Surely that was not an unreasonable request to make in a matter like this. So far from hampering the county council in acquiring land, he believed that it would be an immense advantage to that body that it should have its transactions strengthened in this way. The right hon. Gentleman had often tried to urge upon them the importance of partnership between the central body and the county council. This was exactly what would happen if the Amendment of his hon. friend was carried into effect. They would have on the one hand the great advantage for the Board of Agriculture that they would know what was being done in the various counties, what steps were being taken to acquire land; and the county council, on the other hand, would have all the advantage of expert advice from the surveyor and valuer to the Board of Agriculture. Right hon. Gentlemen opposite would say, in answer to the analogy which he had given, that these colleges and Universities were not representative bodies, and that was undoubtedly true; they acted under charter; but at any rate the colleges and universities, if they made a bad bargain, did not afterwards come upon the State to ask it to bear half the loss. If there was any ground for the supervision which they had in the case of the colleges and Universities, there was all the more reason for the same kind of supervision in the transactions which would take place under this Bill. He thought that in this way they should be doing something to secure that the transactions were carried out on the best possible lines. He must say that he felt sorry to find himself in disagreement with the Government on this Bill. No one appreciated more than he the efforts which the right hon. Gentleman had made in connection with the measure, and he hoped that he would accept this very reasonable Amendment, which would do a great deal to strengthen and carry out the operation of the measure.

*MR. GEORGE FABER said that nobody had a greater respect than he had for the ability and discrimination of the hon. Member for North West Ham, but he really could hardly believe that his Amendment was intended seriously. Still, knowing the hon. Member as well as he had the honour to do, he must assume that it was intended seriously, though he thought that the hon. Member's usual ability had misled him on this occasion. What did the Amendment mean? They had heard a great deal about trusting county councils, but was this trusting them? The Amendment amounted to this, that where an arrangement had been entered into either for a lease or a sale between the owner and the county council, the county council were not to be allowed to look after their own affairs without an extraordinary *pater familias* intervening in the shape of the Board of Agriculture. The county council had got to bear, primarily, all the burden of the establishment of small holdings, even if the Treasury eventually shared the loss with them. Why, then, in the name of common sense, where there were two parties to the transaction—the county council on the one hand and the owner or hirer on the other—should they put this extraordinary clause into the Bill that the purchase or leasing transaction was not to go through unless approved by the Board of Agriculture itself? The Department would have enough to do without being involved in matters of this kind. The more they looked at it the more absurd it was. Surely business should come in somewhere in the Bill. What did they want with a third party? Were not the county councils of age? Were they not capable of carrying through transactions of this kind? Hon. Gentlemen opposite had always been telling them what excellent authorities the county councils were; but the moment they had to put those professions into practice away those professions vanished, like mist before the rising sun. On this question he spoke seriously as a business man. Was this or was it not a business matter? Could they not leave the county councils to settle this matter with the vendor or the hirer of the land? This was a subject in which the county councils were deeply concerned and in which they had to "bear the racket," so to speak, if they made a mistake. They would not be anxious to incur expense unnecessarily, because that would increase the rates.

MR. WEDGWOOD (Newcastle-under-Lyme) said that this was really a very innocent Amendment and ought to receive the unanimous support of the House. It should not be overlooked that all compulsory purchases under this Act would have to pass through the mazes of the Lands Clauses Consolidation Act of 1845, which provided that wherever land was purchased compulsorily the provisions of that Act had to be followed just the same as in the case of any railway company. Wherever arbitration was resorted to under that Act prices far in excess of the ordinary price of land would have to be paid. The county council would know perfectly well that if they were driven to arbitration under the Lands Clauses Consolidation Act a higher price would have to be paid for the land, and that if they could come to an agreement with the landlord considerable costs would be saved. He thought nine county councils out of ten would under those circumstances be inclined to pay a price in excess of the real marketable value by agreement in order to avoid the heavy costs of arbitration. When that excessive price had been paid for the land the whole of the burden fell upon the small holder, who would have to pay not only 3½ per cent. interest on the purchase price, but also contributions to the sinking fund to repay the loan in eighty years. He had to pay interest on all the money spent in equipping the farm, and he had to pay off the capital spent upon improving his farm. If they commenced operations under this Act by burdening the small holders with a price above the ordinary market price, as was bound to ensue from purchase either under arbitration or by agreement, they would strangle small holdings in their inception and prevent the small holder being able to make his holding pay. The Amendment merely asked that the price to be paid by agreement should be referred to and passed by the Board of Agriculture in London, and that that Board should be allowed when necessary to put its foot down and say: "No, this transaction is out of the ordinary run, and must be stopped. It is so bad that small holdings will not pay at this price." The Amendment simply asked that they should give an impartial public body the opportunity of stopping any unconscionable transaction, not one that was manifestly and visibly corrupt in any way, but one that was made to avoid expensive compulsory arbitration. Hon. Members might say that they recognised that this Bill was not a purchase Bill but a hiring measure, that the hiring clauses were not subject to the Lands Clauses Consolidation Act, that therefore hiring would be resorted to far more frequently than purchase, and that consequently they were bothering about something that would not matter. He asked the House to remember what would happen under the hiring clauses. He admitted that under the Bill land could be and would be hired at market rates and at fair rates. But if they hired land under the Bill they would only have a period of thirty-five years for the lease, and consequently it would be impossible for the county councils to invest large sums upon improvements, such as putting houses or other buildings upon the holdings, because thirty-five years was too short a period to enable the holder to repay his loan as well as the interest on the amount of capital sunk in the holding. There was no provision for securing a renewal of the lease, and if they were driven to purchase they would be able to come to a voluntary agreement, or go to arbitration. They would probably choose voluntary agreement, and consequently the price was bound to be far in excess of the real price, and the result would be that an undue burden would be placed upon the small holder. Consequently, they asked that this Amendment should be allowed to be put in the Bill in order to give the Board of Agriculture a watching brief, in the interests of the community as a whole, who would have to pay the Bill if there should happen to be a loss. As the hon. Member for Woodstock had already pointed out, provision of this kind had already been made by the great colleges.

There was also a similar precedent to be found under the Public Works Loans Commissioners. All they wanted was that similar powers should be extended to the Board of Agriculture in determining whether these transactions were conscionable or unconscionable, whether they would pay, or whether the price would prevent small holdings being of any use whatever. From every point of view, whether of precedents or of making small holdings workable and obtaining reasonable terms, the Amendment was urgently required.

MR. LANE-FOX said that hon. Members opposite had stated that the Opposition were going to support this Amendment because they wished the owners to obtain an undue price. In that assumption hon. Members were entirely in the wrong. The hon. Member for North West Ham made a serious accusation, not only against county councils but also against the landed interest. It was all very well for the hon. Member to make speeches in his most charming manner, but he should remember that the words he spoke went a great deal further than this House, and he ought to be careful not to make such serious accusations. It was most unfair to say that county councils, being largely composed of those who were connected or represented the landed interest, were likely to wish to secure that the bodies on which they sat paid undue prices for the land. He did not think there was any foundation for that accusation. The hon. Member appeared to have a holy horror of rural county councils. Upon the Committee upstairs he asked the hon. Member what experience he had had of rural county councils, but he had never yet been able to tell him. Personally he had had a large experience. He was a member of a county council in which the agricultural interest certainly did not predominate. It was most unfair to say that the great majority of the county councils were likely to be influenced by unworthy motives, and that on the Committee a generous effort was made to safeguard the interests of the landlords.

MR. MASTERMAN was understood to say that he did not intend to use the words in an offensive sense.

*MR. LANE-FOX said the hon. Member might not have meant anything offensive, but the words he used were certainly liable to misconstruction. The hon. Member's statement was that they had been fighting a generous fight in favour of the landowners. He would remind the House that they had been able to do something for the tenant farmers and labourers as well as the landlords, and that they had succeeded in that. There was only one class who under the Bill would be liable to have their property taken from them, namely, the landlords, and, therefore, there had been more need to safeguard their interests than those of any other class. It was to the credit of the Government that words had been put in safeguarding their interests.

MR. GEORGE ROBERTS (Norwich) said that the discussion had given force to what was said by some hon. Members a while ago when they stated that this Bill should have been preceded by a Valuation Bill. He was of opinion that the passing of the Bill would necessarily cause an increase in the price of land, and unless some provision could be made for getting land at a fair price the economic working of allotments and small holdings would be utterly impossible. He asked the right hon. Gentleman in charge of the Bill whether it would be possible for the Commissioners in submitting schemes with respect to land proposed to be purchased to indicate in the schemes the price contemplated to be paid for the land. That would give those interested an opportunity of knowing the price proposed to be paid. He did not see any provision in the Bill as to the course the Commissioners were to take in framing a particular scheme.

MR. HARCOURT said the Commissioners could not indicate in the scheme the price of the land to be taken. A scheme was to be a general indication of the desire in a neighbourhood for small holdings, and not of the particular land that might be required for providing them.

Question put.

The House divided :—Ayes, 73 ; Noes, 192. (Division List No. 412.)

AYES.

Abraham, William (Rhondda)
Baring,Capt.Hn.G(Winchester
Bethell,SirJ.H.(Essex,Romf'rd
Bowerman, C. W.
Brace, William
Branch, James
Byles, William Pollard
Cheetham, John Frederick
Cory, Clifford John
Crooks, William
Curran, Peter Francis
Davies, Ellis William (Eifion)
Dilke, Rt. Hon. Sir Charles
Duncan, C.(Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Fullerton, Hugh
Gill, A. H.
Glover, Thomas
Gooch, George Peabody
Hardy, George A. (Suffolk)
Harvey, A. G. C. (Rochdale)
Higham, John Sharp
Hills, J. W.
Horniman, Emslie John
Hudson, Walter
Johnson, John (Gateshead)
Jones, Leif (Appleby)
Jowett, F. W.
Kekewich, Sir George
Kelley, George D.
Lamb,Edmund G.(Leominster)
Lea,HughCecil(St.Pancras,E.)
Luttrell, Hugh Fownes
Macdonald, J. R. (Leicester)
Macdonald,J.M.(FalkirkB'ghs)
Manfield, Harry (Northants)
Morrell, Philip
Nicholls, George
O'Donnell, C. J. (Walworth)
O'Kelly,James(Roscommon,N.
Parker, James (Halifax)
Price, C. E. (Edinb'gh,Central)
Richards,T.F.(Wolverh'mpt'n)
Roberts, G. H. (Norwich)
Robertson,SirG.Scott(Bradf'rd
Robertson, J. M. (Tyneside)
Rowlands, J.
Rutherford, V. H. (Brentford)
Scott,A.H.(Ashton under Lyne
Seddon, J.
Shackleton, David James
Shipman, Dr. John G.
Simon, John Allsebrook
Snowden, P.
Stanley, Albert (Staffs., N.W.)
Steadman, W. C.
Summerbell, T.
Taylor, John W. (Durham)
Verney, F. W.
Vivian, Henry
Walsh, Stephen
Walters, John Tudor
Ward,John (Stoke upon Trent)
Wardle, George J.
Wedgwood, Josiah C.
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Wilkie, Alexander
Williams, J. (Glamorgan)
Wilson, John (Durham, Mid)
Wilson, J. H. (Middlesbrough)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Masterman and Mr. Arthur Henderson.

NOES.

Acland, Francis Dyke
Allen,A.Acland(Christchurch)
Anson, Sir William Reynell
Arkwright, John Stanhope
Aubrey-Fletcher,Rt.Hon.SirH.
Baker, Sir John (Portsmouth)
Baker,JosephA.(Finsbury,E.)
Balcarres, Lord
Balfour, Robert (Lanark)
Baring,Godfrey(Isle of Wight)
Barlow,SirJohn E.(Somerset)
Barrie, H. T. (Londonderry,N.)
Barry,RedmondJ.(Tyrone,N.)
Beach,Hn.MichaelHughHicks
Beauchamp, E.
Beck, A. Cecil
Beckett, Hon. Gervase
Bell, Richard
Bellairs, Carlyon
Benn,W.(T'w'rHamlets,S.Geo.
Berridge, T. H. D.
Bertram, Julius
Bethell, T. R. (Essex, Maldon)
Black, Arthur W.
Bowles, G. Stewart
Bramsdon, T. A.
Bridgeman, W. Clive
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Castlereagh, Viscount
Causton,Rt.Hn.RichardKnight
Cave, George
Cawley, Sir Frederick
Cecil, Evelyn (Aston Manor)
Chaplin, Rt. Hon. Henry
Cherry, Rt. Hon. R. R.
Clarke, C. Goddard (Peckham)
Cleland, J. W.
Clough, William
Cochrane, Hon. Thos. H. A. E.
Collings,Rt.Hn.J.(Birmingh'm
Collins, Stephen (Lambeth)
Corbett,CH(Sussex,E.Grinst'd)
Courthope, G. Loyd
Cowan, W. H.
Cremer, Sir William Randal
Crossley, William J.
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dickinson,W.H.(St.Pancras,N.
Edwards, Clement (Denbigh)
Edwards, Sir Francis (Radnor)
Elibank, Master of
Essex, R. W.
Everett, R. Lacey
Faber, George Denison (York)
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Fetherstonhaugh, Godfrey
Ffrench, Peter
Findlay, Alexander
Fletcher, J. S.
Fowler, Rt. Hon. Sir Henry
Fuller, John Michael F.
Gardner, Ernest (Berks, East)
Gibb, James (Harrow)
Goddard, Daniel Ford
Gordon, J.
Grant, Corrie
Gurdon,RtHn.SirW.Brampton
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy,Laurence(Kent,Ashford
Harvey,W.E.(Derbyshire,N.E.
Harwood, George
Haworth, Arthur A.
Hazel, Dr. A. E.
Hazleton, Richard
Hedges, A. Paget
Helme, Norval Waton
Helmsley, Viscount
Henderson,J.M.(Aberdeen,W.)
Henry, Charles S.
Hill, Sir Clement (Shrewsbury)
Hope,W.Bateman(Somerset,N.
Hornby, Sir William Henry
Howard, Hon. Geoffrey
Hyde, Clarendon
Jardine, Sir J.
Jones,SirD.Brynmor (Swansea)
Jones,William (Carnarvonshire
Kearley, Hudson E.
King,Alfred John (Knutsford)
Laidlaw, Robert
Lambton, Hon. Frederick Wm.
Lamont, Norman
Lane-Fox, G. R.
Lardner, James Carrige Rushe
Law, Andrew Bonar (Dulwich)
Lehmann, R. C.
Lever,A.Levy (Essex,Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lowe, Sir Francis William
Lupton, Arnold
Lynch, H. B.

Maclean, Donald
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah (Down,S.)
M'Callum, John M.
M'Crae, George
M'Laren, H. D. (Stafford, W.
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Mansfield,H.Rendall(Lincoln)
Markham, Arthur Basil
Marks,G.Croydon(Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Mildmay, Francis Bingham
Molteno, Percy Alport
Montagu, E. S.
Morpeth, Viscount
Morse, L. L.
Morton, Alpheus Cleophas
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Nicholson,CharlesN.(Doncast'r
Nicholson, Wm. G. (Petersfield)
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
Pearce, Robert (Staffs., Leek)
Pearce, William (Limehouse)
Pearson,W.H.M.(Suffolk,Eye)
Pollard, Dr.
Priestley,W.E.B.(Bradford,E.)
Rainy, A. Rolland
Rawlinson,JohnFrederickPeel
Rees, J. D.
Rendall, Athelstan
Richards, Thomas(W.Monm'th
Rickett, J. Compton
Roberts, Charles H. (Lincoln)
Roberts, John H. (Denbighs.)
Robson, Sir William Snowdon
Roe, Sir Thomas
Rogers, F. E. Newman
Ronaldshay, Earl of
Runciman, Walter
Salter, Arthur Clavell
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Sears, J. E.
Sherwell, Arthur James
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Stanger, H. Y.
Stanley,Hn.A.Lyulph (Chesh.)
Starkey, John R.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Sutherland, J. E.
Taylor,TheodoreC.(Radcliffe)
Thompson,J.W.H.(Somerset,E.
Thomson,W. Mitchell-(Lanark)
Torrance, Sir A. M.
Trevelyan, Charles Philips
Walker, H. De R. (Leicester)
Walker,Col.W.H.(Lancashire)
Walton, Joseph (Barnsley)
Ward,W.Dudley(Southampton
Waring, Walter
Warner, Thomas Courtenay T.
Weir, James Galloway
White, Luke (York, E. R.)
Whitley, John Henry (Halifax)
Wills, Arthur Walters
Wilson,Henry J.(York, W.R.)
Wilson, J. W. (Worcestersh. N.)
Wilson, P. W. (St. Pancras, S.)
Winfrey, R.

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

MR. COURTHOPE moved an Amendment to provide that if a county council acquire land by agreement, and seeks to acquire it compulsorily under the Bill, it should purchase the land. He said that the Amendment raised the whole question of compulsory purchase. He did not wish, however, to delay the House unduly on the matter, because the question had been very fairly discussed on the Second Reading of the Bill, but he wished birefly to protest against the system of compulsion as applied to hiring. He admitted the justice, or rather the necessity, of applying the system of compulsion to purchase; but it should not be extended to leasehold. He would like to draw the attention of the House to Paragraph 144 of the Report of Lord Onslow's Departmental Committee on Small Holdings in Great Britain, which spoke strongly on the subject. [A laugh.] That Committee was an extremely sound and influential Committee composed of representatives of all parties, and he could not see why, because hon. Gentlemen opposite did not agree with their recommendations, they should necessarily ridicule them. Clause 144 of the Report set forth—

> "While approving of the proposal empowering the acquisition of land compulsorily by purchase by a central authority, the Committee do not approve of giving them compulsory powers to hire land, or to interfere between landlord and tenant. Exercise of compulsory powers of this kind would involve the creation of a system of tenant right, under which the ownership of the land would, in effect, be divided between two or even more persons and authorities. The result would be, in the opinion of the Committee, that the sense of responsibility which should accompany ownership would cease to exist, and also that endless disputes and litigation would arise between landlords and tenants. Another result would be to provoke quite unnecessarily the hostility of all large farmers and landowners, whose support and goodwill is of the greatest value in the development of a system of small holdings. Experience has proved that a system of dual ownership of land is one which, under ordinary economic conditions, cannot be permanent, and which, while it lasts, is fatal to the proper maintenance of holdings, to harmony between landlords and tenants, and to the prosperity of agriculture. This system may be suitable under such conditions as prevailed in the crofting parishes in Scotland, but it is quite inappropriate where the rent, the duration of occupancy, and the general relations between landlord and tenant are determined by ordinary economic conditions."

He begged to move.

MR. HICKS BEACH seconded the Amendment. The point raised by it had, no doubt, been discussed to a certain extent during the Second Reading of the Bill and in Committee upstairs; but the House at large had had no opportunity of debating the question as a whole. He thought that the paragraph quoted by his hon. friend from the Report of Lord Onslow's Committee was very strong. He objected to a system of compulsory hiring, because, in the first place, he did not think it was really necessary. If there was a genuine demand for small holdings it would be found that the county councils would be able to hire all the land they wanted by voluntary agreement. The chief reason why small holdings were not to be found in larger numbers throughout the country was the cost of equipment, and if the county council were willing to undertake that cost he believed that the majority of the landlords would be quite willing to sell their land by agreement. The object of the Bill was to take away the land from the landlord for ever, because it was provided that, the county council having hired the land compulsorily for small holdings and allotments, they might renew the tenancy for not less than fourteen nor more than thirty-five years—all this entirely against the wishes of the landlord and without giving him the opportunity of selling the land to the county council. Under the Bill the provision of compulsory hiring really created a system not of dual, but of triple, ownership. The county council acquired the land in the first place by compulsory hiring, then they let it to associations, and the associations afterwards let it to small holders. He did not believe that such a system was likely to be beneficial to the welfare of the country or to the prosperity of agriculture. After the evil results which had followed dual ownership of the land in Ireland he did not see how the Government was justified in setting up a system of triple ownership. Supposing that a landowner held an estate, and that a considerable portion of it was compulsorily hired by a county council, the landlord would lose his interest in that portion of his estate and would not spend money on it. He would also be deprived of the large amount of pleasure which a landlord had in doing what he liked with his estate, and in developing it according to his own views. The natural tendency would be for him to put up the whole estate for sale, and would anybody seriously think that a purchaser could be found for an estate, a considerable portion of which was leased compulsorily by the county council? The whole sentimental value of the possession of an estate would be taken away. The right hon. Gentleman had told them upstairs that he could not imagine anyone asking for a better investment than in land the letting value of which had the security of the rates. But a man bought an estate because he wished to control it himself and to take an interest in his tenants. [MINISTERIAL ironical laughter.] He could assure hon. Gentlemen opposite that there were many men who were only too glad to spend their money in improving their estate and the conditions of those who lived upon it. He did not believe that there was any real justification for the largely increased compulsory powers given to the county council under this Bill, and he supported the Amendment.

Amendment proposed—

"In page 4, line 38, to leave out the word 'acquire,' and to insert the word 'purchase.'"—(*Mr. Courthope.*)

Question proposed, "That the word 'acquire' stand part of the Bill.

MR. HARCOURT said he would imitate the brevity of the mover and seconder of the Amendment on two grounds, first of all because it was a Second Reading point, which had been fully discussed upstairs, and, secondly, because he accepted the suggestion made by his right hon. friend opposite, that the Government ought not to occupy more time than necessary on this Amendment, but devote the time to other important Amendments. Compulsory hiring had already been established in relation to allotments. Under this Bill that power would be of great convenience to the county council. The council would not require to raise capital or loans for the purchase of land or to make provision for a sinking fund which would increase the rent. On the other hand, there would be no damage to the land, the full rent of the land would be guaranteed to the landlord through a series of years by a perfectly solvent authority. At the same time he would have the power of resuming the land for all purposes other than agricultural. They had provided lor the landlord full compensation at the close of the tenancy for any damage or waste which might have been done to his estate.

This compensation the landlord would be able to obtain against the county council, and if any improvement had been made by the county council the landlord would only pay compensation for improvements which were improvements to him as a landlord and not to a hypothetical tenant. He did not think that the landlord therefore had any reason to complain of the provisions which they had made proposing that the small holder should be able to lease land under compulsion.

COLONEL KENYON-SLANEY said that throughout the right hon. Gentleman's speech there ran the fallacy which was common to the speeches of hon. and right hon. Gentlemen opposite. They said in effect, "We pay the landlord compensation in money for taking away his rights," but money would not compensate him when they might destroy his interest in the estate and the hope with which he inherited it that he would make the estate better than it was when he came into it. The idea that Parliament was able to make up to the landlords for depriving them of portions of their estate by giving them this wretched money was a sham. [AN HON. MEMBER: What do you want?] He wanted justice and fair play, and he did not want to be deprived by that House or anybody else of that which he valued infinitely more than money. He wanted to pass on in an improved condition the inheritance which he had received, and by passing a Bill of this sort the House robbed him of the motive of his very existence and of something which he valued more than any title or anything else which could be conferred upon him. [AN HON. MEMBER: We are paying you the rent.] The payment of the rent did not supply an equivalent for the interest he lost. He would have thought that the right hon. Gentleman who introduced the Bill would have sympathised with these views. He was sure that those who had gone before him in the possession of his estates would have done so.

MR. HARCOURT was sure that his immediate predecessor would not have done so.

COLONEL KENYON-SLANEY said he knew the right hon. Gentleman's predecessor, and he thought he would have sympathised with his point. But the question was not what his immediate predecessor thought, but whether in these arrangements the right hon. Gentleman was giving a sufficient *solatium* for what he was taking. If the right hon. Gentleman thought that he was making good what he took away by insuring that the rent should be paid and that he was really making up for the deprivation he inflicted, he was mistaken. He was not doing so, and he hoped that those upon whose opinions the right hon. Gentleman would place more reliance than he did upon his, would assure him that that was the case. The right hon. Gentleman had said that the landlords' sense of injustice was an unreal one, because he was given the power of resumption of the land and of compensation in certain eventualities. Therefore the right hon. Gentleman said the landlord had no reason to complain. He wanted, however, on behalf of those whom he represented, to put on record his protest against this sordid idea that they could always compensate the landlords as a class by merely guaranteeing a pecuniary equivalent for that which they took from them. The idea was utterly mistaken. They felt their position in this matter much more keenly than that, and if hon. Members would only get rid of that idea they would understand the position which they took up. They had discharged their duties in the past pretty fairly, and he ventured to say that no class had made greater sacrifices out of limited means. They had spent large sums on their estates in trying to make life tolerable for all who dwelt upon them. [MINISTERIAL cries of "No."] He could prove that figure by figure and fact by fact, and he was sure that hon. Members when he had gone through his proofs would not contest that statement. He felt very keenly that this policy was countenanced by the right hon. Gentleman, who was the last man in England who should have laid it down that they could make up by the sordid equivalents given under this Bill for the rights which were taken away. On these grounds he supported the Amendment.

MR. BECKETT said the right hon. Gentleman had not replied to the point of his hon. friend that if they accepted this Amendment the landlord could not either now or in the future sell his land. It was true that the right hon. Gentleman had pointed out many advantages which the landlord would receive. He said he would receive rent upon the security of the rates and would have powers of resumption and compensation for improvements if they were not suitable to him. But he had not met the point of his hon. friend in this respect, that under this Bill the landlord had no power to sell his holding either to the county council or to anyone else. It was rather a novel piece of legislation for any Government to say to any man: "Because you have chosen to invest your money in a certain security, namely, land, in that security your money must for ever remain." For many reasons a landowner might wish to turn his estate into cash. He might wish to sell it in order to realise money for the benefit of his children whom he might wish to start in business or professions, but so long as he laboured under the disabilities of this clause he would never be able to turn his land into money. For the first time in his life he had to congratulate himself upon his perspicacity in never becoming the owner of land.

MR. HARCOURT said he did not think the hon. Member had heard the explanation which he gave upon this point upstairs. Under the Bill the landlord was in the same position in regard to the sale of his land as if it were let to private tenants, only that he would have the additional advantage of having a much freer market and of having a tenant who was certain to pay his rent during the whole term. He did not wish to appeal to the sordid side of this matter, which he disliked as much as hon. Members opposite did, but he thought he had tried to meet them on every point.

SIR F. BANBURY (City of London), replying to the right hon. Gentleman's observation that the landlord would have the same facility for selling his land as he had at the present moment, said that he wished to point out that the market for that land would be entirely different. At the present moment the demand for land did not arise from any sordid motives, but from what the Opposition called the amenities which attached to the holding of land and what hon. Members opposite called the desire to exercise the tyranny of the landlords. [MINISTERIAL cries of "Hear, hear."] Quite so; that was the view of hon. Members opposite, but he did not admit the truth of it The moment the House did away with the amenities of the land they did away with the desire of people to invest their money in it, in order to receive 2½ per cent. or 3 per cent. or nothing at all on their capital, and in order to have the pleasure of possessing land. It might be a wrong pleasure, but any auctioneer would tell hon. Members that people bought land generally not for what they could get out of it but for the pleasure of owning and holding it. It was quite a different thing, however, to put in a purchaser of land who would use it for a sordid motive, and in the same way as he would an investment on the Stock Exchange, for the purpose of making as much out of it as he possibly could. If the right hon. Gentleman thought that sort of thing was going to be a benefit to the small holder, the village, or the owner of the land, he was very much mistaken. The right hon. Gentleman had in effect repeated the argument used by Mr. Gladstone in 1881 in regard to the Irish Land Act. Mr. Gladstone assured the landlords of Ireland that they would be in a much better position if that Act was passed, because their rents would be assured to them and they might be certain of receiving them without disputes. History had shown that Mr. Gladstone made a wrong forecast, and in his judgment history would show that the right hon. Gentleman was also making a wrong forecast. He wished to be informed how the right hon. Gentleman knew that an exceedingly fair rent would be given for the land under this Bill, or that it would be paid. Let them take it for granted that the President of the Board of Agriculture might appoint competent Commissioners, how did the right hon. Gentleman know that the Labour Members from below the gangway might not in four or five years appoint another President of the Board of Agriculture?

Supposing they appointed the hon. Member for the Colne Valley Division of Yorks. What sort of fair rent would they receive from that hon. Gentleman? Therefore the argument of the right hon. Gentleman as to a fair and full rent was illusory. Then he came to the statement of the right hon. Gentleman that the county council with the rates behind them would afford a good tenant. He differed from the right hon. Gentleman on that point and for this reason. If the county council was to take over the whole of the estate it might be different, because it would convert the landlord into a mere rent charger, and they would be bound to pay him, but it was quite a different thing to take a part of a landlord's estate and place a number of small tenants upon it. This would enable small district councils and parish councils to injure those who were above them. He defied the right hon. Gentleman to get up and say that the landlord or anybody else was advantaged by that. He was sorry that the right hon. Gentleman did not hear the speech delivered in another place by a Member of his own Party. He only wished that he had the power of the language of the noble Lord.

Mr. HARCOURT: Was he speaking against this Bill?

Sir F. BANBURY said he did not know whether he was in order in referring to the matter, but the noble Lord in question was speaking on the Small Landowners (Scotland) Bill, and he used arguments which applied equally to this Bill. Under the circumstances he would have much pleasure in supporting the Amendment which had been moved.

Viscount HELMSLEY (Yorkshire, N.R., Thirsk) said he would not like to let this question go by without entering what protest he could against the proposal of the Bill for the compulsory hiring of land. The right hon. Gentleman in charge of the Bill took great credit to himself for the fact that he was not expropriating one owner in order to instal another. It seemed to him, however, that the right hon. Gentleman was doing something which was very much worse. He was expropriating one owner without giving him the *quid pro quo* to which he was entitled and was taking out of his hands that which made property valuable—his management of it and the disposal of it according to his own will. That seemed to him to be very much worse than expropriating one owner in order to put in another owner. For his part he could not see where the advantage lay in this policy of hiring land rather than of buying it. It seemed to him that it was complicating the system to an indefinite extent, in a way which was wholly unnecessary and to the disadvantage of those whom it was intended to set up as small holders under the Bill. Apart from any question of fairness, which he would not go into, although he thought it was very unfair to owners to make them give up that which made property valuable, he would ask the right hon. Gentleman as well as the Solicitor-General whether this system of hiring in the matter of buildings and improvements did not add greatly to the complexities and difficulties which would arise under the Bill. The county council would hire land compulsorily and then put up buildings to make the land suitable for small holdings. What was the position of those owners in regard to the possession of the land, and how were the county council going to get repaid for their expenditure? By the rent which the tenant was prepared to pay? That was a point which had never yet been elucidated, and it seemed to him to be a point which was crucial to this question, because if the county council were to recoup themselves in the rent for the money they spent upon the buildings of the small holdings, then they were committing a gross injustice upon the tenant, because he would not only be paying the value of the land, but also interest and sinking fund for the money which had been spent by the county council in adapting the land to small holdings. If the tenant paid that money annually by instalment, surely he ought to be entitled at the end of his tenure to compensation from the council. Yet he gathered from the Bill he would not be entitled to compensation, but on the contrary the county council would be held to have made the improvement and to have adapted the land for the purpose of a small holding. That was a great injustice and, as his right hon. friend the Member for the Bordesley division of Birmingham had pointed out, it was practically making the tenant pay for the freehold of the land and the buildings upon it and yet not giving him what he had paid for. Then as to the landlord: this House was going to enable county councils to hire land compulsorily and to spend money upon it; to alter its character and to put buildings upon it suitable for small holdings; and, yet they were going to make the landlord pay for all these so-called improvements, which had been made perhaps without his consent and contrary to his wishes. He was quite aware that there was a clause in the Bill to the effect that the value of the improvements on the land should, in assessing compensation, be their value to the landlord, but it seemed to him that the arbitrator might very well hold that the land had been improved for the purposes of the landlord, and that he could get more rent for it in consequence of those improvements, which no doubt would be the test, and yet they might not be improvements which the landlord wanted, while he would be called upon to find a very large capital sum — a proceeding which might be to him a source of great inconvenienec—which he would never have been able to afford had the land been left in his own hands from the start. Therefore what it came to was this, that by their benevolence to the small holders and county councils they were compelling the landlords to find money for buildings suitable for small tenants which were not suitable otherwise and the expense was to be borne out of the income from a particular farm or estate. What after all would be the result if the alternative of purchase were adopted? There would be none of those complications which would arise under this Bill. If the county council thought fit to acquire the land they would be solely responsible for the success of the holding or its failure. The buildings on the land set up by the county council, all the money spent by the county council in adapting the land for the purpose of small holdings, would be a definite sum advanced by the county council; they would be entitled to all the receipts from it, and theirs would be all the profit or all the loss, if either resulted. But, as it was, by the policy of hire they were compelled to insert in the Bill, in order to give it some appearance of the rudiments of justice, various provisions which would hamper the tenant, which would hamper the county council, and which, as the long and the short of it, would lead to divided and dual ownership in the improvements in the buildings and in the land, no matter how much they tried to escape from it. Surely it was an almost elementary principle of justice that if they wanted land for a given purpose, indeed, if they wanted anything for a given purpose, they must buy it from the possessor of it for the time being. Really one would have thought it was almost unnecessary to argue such an elementary principle in that House. It was quite different in the case of a small allotment, which he believed was the only precedent for compulsory hire; but in that case they did not give compensation for buildings, though in this Bill he believed they were going to add this compensation to the existing allotment system. As the question had hitherto stood, however, they had not got the complications of capital sunk in the land by the medium tenant, if they might so describe the county council. [AN HON. MEMBER: Allotments are small.] As his hon. friend remarked, an allotment consisted of a very small quantity of land, and did not involve the very great danger which existed in connection with this Bill. But surely it must appear plain to the House that when land was to be hired compulsorily from the landlord by the county council, who were to lease it to a tenant, they got three people concerned, every one with a different interest; whereas, if they had a system of purchase there would be only two concerned, the landlord and the person to whom he sold the land, and their interests would be as easily adjusted as the relations between landlord and tenant were adjusted at the present time under the Agricultural Holdings Act. He supported the Amendment very heartily. He would have preferred an Amendment which stood on the Paper in his own name, providing that they must have the report of the Board before compulsion was adopted, because he thought that might have had the result of bringing in a third party who, in the case of the landlord and the county council being in disagreement, might have smoothed the way and enabled them to have a further consideration of the question, in order to see whether it could be done by agreement instead of by compulsion. All the same, however, he thought that this Amendment largely met his view, and he had some considerable hope that it would meet with great support from Members on the Government side of the House when they came to a division.

MR. CHAPLIN said he could not allow this proposal to pass without one word of protest against the attitude of the right hon. Gentleman and the Government. The right hon. Gentleman said the Bill did no harm whatever either to the land or to the landlord. It was true that he gave him or professed to give him full compensation for any land, but he questioned very greatly whether that compensation would be as adequate as the right hon. Gentleman seemed to believe. But that was only a comparatively small part of the question. He agreed very much with the right hon. Gentleman the Member for Shropshire, that in this case they certainly deprived the landlord of interest in his land, although they would not buy it even if he wished them to do so. They took away all his powers connected with the land, and worse than all they absolved him from all his duties. What was the real position in this case? They proposed to hire his land for thirty-five years to begin with. At the end of that term, if the venture was a success on the part of the county council, they might renew it. They took it for seventy years from the man to whom it belonged; not only that, at the end of that second period they had nothing to do but obtain a fresh Order from the Board of Agriculture, and again they took it for a similar period, and so on from time to time. Was ever such a proposal heard of before? They were going to take away property for a great number of years, and they would not buy it even if the owner desired to sell it. The least they could do, when they took a man's land by compulsion in this way, was to pay him in cash. This was the first instance on record in our legislation when any such proposal on a great scale had ever been made by any Government in this country, and he sincerely hoped and trusted that it would be the last. What was the reason for doing it? Because it would give certain advantages to the county councils; they would be absolved from the necessity of raising capital or raising loans. They were very ready to consult the convenience of the county councils, but he saw no readiness to consult the convenience of the unfortunate owner of land, however much he desired it. There were estates heavily encumbered with charges, sometimes family charges, mortgages and things of that kind. Supposing they were called in, as they very likely would be, what was the position in which they were about to place the landlord? They told him that his security would be better than ever it was before. What authority had they for saying that? He questioned it very greatly. Money invested in a first-rate farm tenanted by a succession of first-rate farmers, who had never failed to pay their rent for generations, was regarded as an admirable security. Would it be so good a security under the great experiment they were about to make? He believed himself that the experiment of providing small holdings under this system of hiring, for reasons which he had given over and over again, and which had not been refuted, was in all probability bound to come to an end in a very few years, and then what became of the good security? They were told that the landlord would then have a chance of getting as good a price for his land as ever he had before. Who was going to provide that? What on earth would be the object of doing so? Besides, they could not sell the land; all they could sell would be the rentcharge upon it, and for the objects and purposes for which land was bought in this country it would be absolutely useless. He knew that it was useless to try to get any concession whatever on this point, but the Government would live to regret having been the first Government to take such a course as this in connection with a scheme which, if it became law, he believed would end in failure and disaster instead of success.

Question put.

The House divided:—Ayes, 259; Noes, 63. (Division List No. 413.)

AYES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Ainsworth, John Stirling
Alden, Percy
Allen, A. Acland (Christchurch)
Asquith, Rt. Hon. Herbert Henry
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barry, Redmond J. (Tyrone, N.)
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn, W. (T'w'r Hamlets, S. Geo.
Berridge, T. H. D.
Bethell, Sir J. H. (Essex, Romf'rd
Bethell, T. R. (Essex, Maldon)
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Byles, William Pollard
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Clarke, C. Goddard (Peckham)
Cleland, J. W.
Clough, William
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W
Cooper, G. J.
Corbett, C H (Sussex, E. Grinst'd)
Cory, Clifford John
Cowan, W. H.
Cox, Harold
Craig, Herbert J. (Tynemouth)
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dickinson, W. H. (St. Pancras, N.
Dickson-Poynder, Sir John P.
Dilke, Rt. Hon. Sir Charles
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Edwards, Sir Francis (Radnor)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Fiennes, Hon. Eustace
Findlay, Alexander
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gibb, James (Harrow)
Gill, A. H.
Gladstone, Rt. Hn. Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Grant, Corrie
Grayson, Albert Victor
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Gurdon, Rt Hn. Sir W. Brampton
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harvey, A. G. C. (Rochdale)
Harvey, W. E. (Derbyshire, N. E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hazleton, Richard
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holt, Richard Durning
Hope, W. Bateman (Somerset, N.
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Isaacs, Rufus Daniel
Jardine, Sir J.
Johnson, John (Gateshead)
Jones, Sir D. Brynmor (Swansea)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Jowett, F. W.
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lambert, George
Lamont, Norman
Lardner, James Carrige Rushe
Lea, Hugh Cecil (St. Pancras, E.)
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Lynch, H. B.
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs)
Mackarness, Frederic C.
Maclean, Donald
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah (Down, S.)
M'Callum, John M.
M'Crae, George
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Masterman, C. F. G.
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Morgan, G. Hay (Cornwall)
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Nicholson, Charles N. (Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Donnell, C. J. (Walworth)
O'Kelly, James (Roscommon, N.
Parker, James (Halifax)
Pearce, Robert (Staffs. Leek)
Pearce, William (Limehouse)
Pearson, W. H. M. (Suffolk, Eye)
Philipps, Owen C. (Pembroke)
Pollard, Dr.
Priestley, W. E. B. (Bradford, E.)
Radford, G. H.
Rainy, A. Rolland
Raphael, Herbert H.
Rea, Walter Russell (Scarboro'
Rees, J. D.
Rendall, Athelstan
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mpt'n)
Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Roberts, John H. (Denbighs.)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Roe, Sir Thomas
Rogers, F. E. Newman
Rowlands, J.
Runciman, Walter

Rutherford, V. H. (Brentford)
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott,A.H.(Ashton under Lyne
Sears, J. E.
Seddon, J.
Seely, Colonel
Shackleton, David James
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley,Hn.A.Lyulph(Chesh.)
Steadman, W. C.
Stewart, Halley (Greenock)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Sutherland, J. E.
Taylor, John W. (Durham)
Taylor,TheodoreC.(Radcliffe)
Tennant, H. J. (Berwickshire)
Thompson,J.W.H.(Somerset,E
Torrance, Sir A. M.
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Walker, H. De R. (Leicester)
Walsh, Stephen
Walters, John Tudor
Walton, Sir John L. (Leeds, S.)
Ward, John (Stoke upon Trent)
Ward,W.Dudley(Southampton
Wardle, George J.
Waring, Walter
Warner, Thomas Courtenay T.
Waterlow, D. S.
Wedgwood, Josiah C.
White, J. D. (Dumbartonshire)
White, Luke (York, E. R.)
White, Patrick (Meath, North)
Whitley,John Henry (Halifax)
Wiles, Thomas
Wilkie, Alexander
Williams, J. (Glamorgan)
Wills, Arthur Walters
Wilson, Henry J. (York,W.R.)
Wilson, John (Durham, Mid)
Wilson, J. H. (Middlesbrough)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Anson, Sir William Reynell
Ashley, W. W.
Aubrey-Fletcher,Rt.Hon.SirH.
Balcarres, Lord
Balfour,RtHn.A.J.(CityLond.)
Banbury, Sir Frederick George
Baring,Capt.Hn.G(Winchester)
Barrie, H.T.(Londonderry,N.)
Beach, Hn. Michael HughHicks
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Butcher, Samuel Henry
Carlile, E. Hildred
Castlereagh, Viscount
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey-
Cecil,LordR.(Marylebone, E.)
Chamberlain,RtHn.J.A.(Worc.
Chaplin, Rt. Hon. Henry
Cochrane, Hon. Thos. H. A. E.
Corbett, T. L. (Down, North)
Courthope, G. Loyd
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Faber, George Denison (York)
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Gretton, John
Hardy,Laurence(Kent,Ashford
Harrison-Broadley, H. B.
Helmsley, Viscount
Hill,SirClement (Shrewsbury)
Hills, J. W.
Hornby, Sir William Henry
Kenyon-Slaney,Rt.Hon.Col.W.
Keswick, William
Lambton, Hon. Frederick Wm.
Law, Andrew Bonar (Dulwich)
Lonsdale, John Brownlee
Lyttelton, Rt. Hon. Alfred
Mildmay, Francis Bingham
Moore, William
Morpeth, Viscount
Nicholson, Wm.G.(Petersfield)
Nield, Herbert
Parker,SirGilbert (Gravesend)
Pease,HerbertPike(Darlington)
Rawlinson,JohnFrederickPeel
Ronaldshay, Earl of
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Starkey, John R.
Talbot, Lord E. (Chichester)
Thomson,W.Mitchell-(Lanark)
Walker,Col.W.H.(Lancashire)
Younger, George

TELLERS FOR THE NOES—Sir Alexander Acland-Hood and Viscount Valentia.

And, it being after half-past Ten of the clock, Mr. SPEAKER proceeded, pursuant to the Order of the House of 9th August, successively to put forthwith the Question upon any Amendments moved by the Government, of which notice had been given.

The following Amendments, proposed by Mr. Harcourt, were made—

"In page 6, line 12, at end to add the words '(3) This section shall only apply in the case where a small holding has been sold by the county council.'"

"In page 10, line 5, after the word 'that,' to insert the words '(*a*) The duty of a council under the Allotments Acts, as amended by this Act, to provide allotments shall not include the duty of providing allotments exceeding one acre in extent; and.'"

Bill, as amended (by the Standing Committee), to be further considered To-morrow.

CALEDONIAN RAILWAY ORDER CONFIRMATION BILL (BY ORDER).

Read the third time, and passed.

YORK (MICKLEGATE STRAYS) BILL (LORDS) (BY ORDER).

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill, as amended, be now considered."

MR. ARTHUR HENDERSON (Durham, Barnard Castle) moved that the Bill be recommitted to a Select Committee. He said one clause in the Bill had created a great amount of feeling in the City of York, and he was convinced that it was in the interest of all parties that the course he proposed should be adopted. A difference had arisen as to the lease between the city council and the racecourse company. The inhabitants of the city declared that they were left in ignorance as to these arrangements until a very late stage of the proceedings. They had at a meeting passed a resolution against endorsing them. He might be asked if there was any precedent for the course which he now invited the House to take. In 1901, in the case of a Bill where circumstances arose very similar to those which had arisen here, the measure was recommitted to a Select Committee, and the whole matter was settled in about three days. If the ratepayers of York were to be saved the £3,000 or £4,000 spent in bringing this Bill to its present stage, he thought the Motion should be accepted. The Committee could be set up on Thursday or Monday next, and towards the end of the week the Bill could be reported again to the House. Meantime he felt satisfied that some arrangement would be made which would be satisfactory to all parties concerned.

MR. HILLS (Durham) seconded the Motion.

Amendment proposed—

"To leave out from the word 'be,' to the end of the Question, and add the words 're-committed to a Select Committee'"—(*Mr. Arthur Henderson*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MORTON (Sutherland) said that a number of Members had been asked by the citizens of York to get the obnoxious clause regarding the Race Committee and the schedule taken out of the Bill, and he was bound to say that they had a very strong case. Both the clause and the schedule were put in in "another place." He had no objection to that, but what he did object to was that the people of York were not asked whether they liked that course or not. If the Bill could be recommitted in the way proposed, he believed the parties would be able to come to an agreement.

*MR. GEORGE FABER (York) said there were extremely complicated and delicate matters involved in the proposals contained in the Bill. From time to time disputes had arisen between the corporation of York and the Micklegate freemen as to their respective rights in the Micklegate Strays, on a part of which the racecourse was situated. In fact litigation had been commenced by the corporation against the freemen in order to get their respective rights determined. But law was an expensive matter, and the parties wisely decided to abandon the litigation and introduce a Bill in Parliament. The Bill was introduced accordingly in another place. It provided that the Micklegate freemen, in exchange for their common rights, should receive from the corporation of York a payment in perpetuity of £1,000 a year, and that the corporation should have power to enter into an agreement with the Race Committee respecting the racecourse. When the Bill was in Committee in another place, and heard as an opposed Bill, it was settled that the Race Committee should receive a lease for ninety-nine years at a rent of £1,000 per annum. The lease was thereupon scheduled to the Bill. The Charity Commissioners put forward a claim before the same Committee that the £1,000 a year agreed to be paid by the corporation to the trustee should be treated as a charitable trust. This claim was disallowed. In the meantime a large body of the citizens of York took exception to the fact that a lease to the Race Committee containing the terms above referred to had been scheduled to the Bill. Their contention was that they had no idea that an agreement for a lease of ninety-nine years was contemplated. When the Bill came to this House and was sent to an unopposed Committee upstairs the Charity Commissioners again pleaded that the £1,000 a year was a charitable trust. He understood that the Committee by a majority did not agree to the view of the Charity Commissioners. Then a proposal arose that as this Bill was so complicated, and so ill-fitted for proper discussion in the full House the better way to take was to re-commit it to a Select Committee. He put this view before the parties interested, but he was bound to say that the corporation of York, the Race Committee, and the Micklegate freemen were not in accord in the matter. His endeavour as Member for the City of York had been to take neither one side nor the other, but only to give advice when asked to do so.

VISCOUNT HELMSLEY said that he represented a body of freeholders in the City of York, and also the Micklegate freemen, of whom he was one. The question was whether or not the Charity Commissioners should formulate a scheme dealing with the money which was to be paid by the corporation. He thought if the Bill were referred to a Select Committee it would be contrary to the wishes of all the Micklegate freemen. And if the Charity Commissioners persisted in the Amendment on the Paper in the name of the hon. Member for Elland he was afraid that the Bill would not become law this session.

*THE CHAIRMAN OF WAYS AND MEANS (Mr. EMMOTT, Oldham) said he had spent the greater part of two laborious afternoons in endeavouring to bring about a settlement in this matter in order to save the time of the House. He thought the suggestion to recommit the Bill to a Select Committee was a very good one. There were two points. The first was the Amendments suggested by the Charity Commissioners, and as to those he thought that an arrangement could be easily made by an Amendment which would have been suggested had that been the only question of difficulty. The principal question in dispute now, however, was as to the lease for ninety-nine years which had been scheduled in the Bill. It was admitted, he believed by the Race Committee itself, that that was rather a long period, and that it might be considerably reduced. He believed that a similar lease was granted in 1753 to Lord Rockingham and Lord Carlisle, and the period had been adopted on that precedent without due consideration. It was generally admitted that ninety-nine years was too long, but there was a large body of citizens whose opinion had only made itself felt since this Committee who desired to have no lease at all. That matter could be quickly decided by a Select Committee, and when the Select Committee reported he hoped there would be no difficulty raised to their decision being accepted by the House.

*MR. LANE-FOX said the Race Committee did not wish to see this Bill recommitted at this stage, but in view of the statement made it was obviously impossible for him to divide the House. The Race Committee maintained that they had acted very fairly in this matter. They came to an agreement with the freemen of the city to pay £1,000 a year to hold the races on the Strays, and when the corporation bought out the rights of the freemen the Race Committee came to a similar agreement with them and had since accepted considerable modifications. It was only fair therefore that the Race Committee should be allowed to say that they had done nothing to justify the recommittal of the Bill. He hoped if the recommittal was insisted upon the result would be satisfactory to all parties. This race meeting was almost the only one in England run for the public benefit, and not a single penny of private profit was derived from it, the whole of the profit being used to forward the meeting. It was run in the interest of sport, of which in York they were very fond, and was the only race meeting to which the people could come without payment. Under these circumstances the Race Committee thought their representations deserved the sympathy of the whole House.

Question put, and negatived.

Proposed words there inserted.

Main Question, as amended, put, and agreed to.

Bill, as amended, re-committed to a Select Committee.

TRANSVAAL LOAN (GUARANTEE).

Resolution reported—

"That it is expedient to authorise the Treasury to guarantee, on the security of the Consolidated Fund, the interest of a Loan to be raised by the Colony of the Transvaal, not exceeding in the aggregate an amount sufficient to raise five millions pounds, and the principal of any such Loan by means of the guarantee of Sinking Fund payments, and also to guarantee the payment of any sums temporarily raised by the Colony of the Transvaal in anticipation of the Loan, with interest thereon."

Resolution agreed to.

Bill ordered to be brought in by the Chairman of Ways and Means, Mr. Chancellor of the Exchequer, Mr. Churchill, Mr. Attorney-General, and Mr. Runciman.

TRANSVAAL LOAN (GUARANTEE) BILL.

"To authorise the Treasury to guarantee the payment of a Loan to be raised by the Colony of the Transvaal," presented accordingly, and read the first time; to be read a second time upon Monday next, and to be printed. [Bill 314.]

PATENTS AND DESIGNS BILL.

As amended (by the Standing Committee), further considered.

Amendments proposed—

"In page 9, line 22, to leave out from the word 'to,' to 'a,' in line 24, and insert the words 'the sale or lease of, or licence to use or work any article or process protected by a patent to insert.'"

"In page 9, line 29, to leave out the word 'invention' and insert the word 'process.'"

"In page 9, lines 31 and 32, to leave out the words 'employ or.'"

"In page 9, line 34, after 'licensor,' insert the words 'or his nominees.'"—(*Mr. Lloyd-George.*)

Amendments agreed to.

MR. RAWLINSON (Cambridge University) said the object of Clause 23 was to prevent the oppression of a person using the patent of a foreign owner by undue restrictions. He moved an Amendment as a safeguard against the very wide effect of the clause. The Amendment proposed to make lawful the conditions attached to the use of a foreign patent which the clause made unlawful if at the time the contract was entered into the patented article or process was being freely sold or licensed in the United Kingdom without such restrictive conditions, or if the patentee had before the date of the contract offered to the other party to sell, lease, or grant a licence on reasonable terms, and without any restrictive conditions.

MR. CLAUDE HAY (Shoreditch, Hoxton) formally seconded the Amendment.

Amendment proposed—

"In page 9, line 34, after the words last inserted, to insert the words 'unless at the time when the contract was entered into for such sale or lease of or licence to use or work the patented article or process, the said patented article or process was being freely sold or licensed to be used or worked in the United Kingdom, on reasonable terms and without any such restrictive or prohibitive conditions, or unless the patentee had, prior to the date of such contract, offered to the other party or parties thereto to sell, lease, or grant a licence to use or work the said patented article or process on reasonable terms, and without any such restrictive or prohibitive conditions.'"—(*Mr. Rawlinson.*)

Question proposed, "That those words be there inserted."

THE PRESIDENT OF THE BOARD OF TRADE (Mr. LLOYD-GEORGE, Carnarvon Boroughs) said he had considered this very carefully and was afraid he could not agree to accepting the Amendment in the form proposed. He was afraid that if it were accepted in this form it would render nugatory the whole of the clause and would enable these people to escape altogether the conditions the clause sought to impose. At the same time he agreed that there was something to be said for providing a reasonable alternative. If a reasonable alternative was provided, that was all that was required. So long as such provision was made, they did not want to put an end to freedom of contract in these cases. If the hon. and learned Gentleman would withdraw his Amendment he would be prepared to move words which he thought would meet the case, namely—

"Provided that the sub-section shall not apply in the case of a lease if (1) At the time when the contract was entered into the patented article or process was being freely leased or licensed to be used or worked at a rent or royalty and without any such restrictive conditions and (2) The contract entitles the lessee or licensee at any time, on giving not more than six months notice, to relieve himself of his liability to observe any such condition on payment of a rent or royalty not exceeding such rent or royalty as aforesaid."

MR. J. RAMSAY MACDONALD (Leicester) said it was exceedingly inconvenient to the House that Amendments should be sprung upon it. The effect of the Amendment was a matter which they could not grasp right away. When they were in Committee upstairs a similar Amendment was proposed and they resisted it, with the result that it was either withdrawn or defeated. The question was whether the patented article or machine should be offered freely, and in that event certain contracts were not to be annulled. The same idea came up again now. The hon. Member for Southport had not put his Amendment on the Paper. ["Yes."] He begged pardon; this Amendment was at any rate on the Paper, but he had not known that it was the Amendment which was being moved. It was the Amendment they were to oppose. The amended form of this was now before them, and in that form it was not on the Paper, and it was impossible to grasp the meaning of the "payment of rent and royalty as aforesaid." Did that mean one year's payment or payment of arrears of rent and royalty, or the purchasing value of the rent and royalty? The whole point was quite muddled up, and it was quite impossible for them to vote upon it intelligently unless they had the proposal in front of them.

MR. GORDON (Londonderry, S.) thought they should see the Amendment in print, and he believed that the right hon. Gentleman would admit that a point of this importance should not be decided without being thoroughly understood. It was a very important matter as it stood; it would be a restriction of freedom of contract between people who were perfectly able to look after their own interests. He thought that it would be right, when they were going to give a monopoly to a patentee, that they should render it impossible for him to make the conditions too hard upon people who used the patent; but that would be avoided if they left freedom of contract, with the alternative that certain offers might be made such as were proposed in the Amendment on the Paper, or in the proposed Amendment of the right hon. Gentleman. In that way they would meet all the difficulties of the case, because once they gave a reasonable alternative, they would effect what the right hon. Gentleman wished. But hon. Members should have an opportunity of considering the Amendment now proposed by the right hon. Gentleman, to see whether it met the case. He did not think that anyone on that side of the House wished to deal with the matter in any captious spirit, and he would respectfully ask the right hon. Gentleman to give them an opportunity of considering the matter a little further. The first portion of the right hon. Gentleman's Amendment would appear to him to be quite sufficient and ample to meet the requirements of the case; the second part of it raised great difficulties, and they should have an opportunity of looking into it to see what effect it would have. He thought that might be done without in any way interfering with the time of the House, or a promise might be given to consider the matter in another place if the proposal was found not to work out as the right hon. Gentleman would wish.

MR. CLAUDE HAY said he did not approach this matter from the strictly Opposition point of view. They had endeavoured to help the Government to get through their measures. He and many others had considered this complicated Bill in Committee upstairs, and they now found it difficult to understand the exact meaning of the Amendment of the President of the Board of Trade. He would point out that they were dealing with an intricate subject, which at the same time would affect poor men of inventive genius as well as the work of the trades and industries of the country. If they passed hurry-scurry a Bill of this sort without debating it, they might find that they had not only made a bad law but caused great loss and injury to the trades and industries of the country. The President of the Board of Trade had ample evidence that the Unionists who sat until the early hours of the morning helping the Government to pass their measures did not desire to deal in any hostile spirit with Bills, more especially those relating to commercial matters. They desired that the legislation which emerged from that House should be useful to the nation; therefore he made bold to appeal to the right hon. Gentleman, absolutely in a business-like spirit and in no Party spirit, to agree to postpone this measure. They would be in session until the middle of September, and they would have ample opportunity for dealing with this and other measures, not in the late hours of the night or early hours of the morning, but at a reasonable hour, and if the right hon. Gentleman agreed to their request his measure would receive greater attention, and very great credit would redound to him because of the form in which it would be passed.

MR. LLOYD-GEORGE, in response to the appeal, said that he was anxious to get the Bill through, in order that the other House might have it before them to-morrow. The Amendment would be dealt with in another place, and hon. Members would be able to consider it fully then.

Amendment, by leave, withdrawn.

Amendments proposed—

"In page 9, line 38, to leave out the word 'invention' and insert the word 'process.'"

"In page 9, lines 40 and 41, to leave out the words 'embodied in the patented article in force at,' and insert the words 'by which the article or process was or were protected at the time of.'"

"In page 9, line 41, and page 10, line 1, to leave out the words 'or the patent for the invention.'"

"In page 10, line 7, to leave out the word 'determined' and insert the word 'awarded.'"

"In page 10, line 11, to leave out the word 'invention' and insert the word 'process.'"

"In page 10, line 19, to leave out the word 'determined' and insert the word 'awarded.'"

"In page 10, line 21, to leave out Subsection (4)."

Amendments agreed to.

MR. CAVE (Surrey, Kingston) moved to leave out Subsection 5 of Clause 23, which provides that the insertion by the patentee in a contract of any condition which by virtue of this clause is null and void shall be a ground on which the patent may be revoked. He did not know of any provision of that kind in any other Act of Parliament. He hoped the Government would not insist upon it.

Amendment proposed—

"In page 10, line 27, to leave out Subsection (5) of Clause 23."—(*Mr. Cave.*)

Question proposed, "That the words 'the insertion' stand part of the Bill."

MR. LLOYD-GEORGE said the hon. and learned Gentleman would observe that he proposed considerable modification in the clause. The hon. and learned Gentleman knew how difficult it was to provide a perfectly watertight clause which would prevent operations by trusts for the evasion of the law. It had been attempted many times, but the trusts had been able to walk round the law. There was only one way of doing it, and that was by making them feel that if they endeavoured to evade the law or the principle of the law in this respect they would endanger the patent for the time being. If a man abused the special privilege which was granted to him when he obtained a patent by using it to the detriment of the trade of this country, he must know that he could not bring an action for infringement of the patent as long as he was abusing the privilege. He did not think that that man should be allowed to go into Court and sue for damages in respect of the infringement of the patent. That was the principle on which he had proceeded, and he thought it was the only way to prevent people in future from operations of the kind complained of. That would make it worth their while not to repeat these operations.

*MR. HILLS said he thought the penalty proposed was too heavy. If a man entered into a contract for five years, believing that such a contract was good, it might happen that, under this section of the Bill, some condition in it would be held to be bad. As soon as the courts held that this condition was void that man would not be able to get out of the contract, though, during the five years for which it had been made, anybody would be able to infringe the patent and make the article. He was all for a watertight clause, but this was going a great deal too far. Under this clause a perfectly honest man, carrying on his business in the ordinary way, might, through having been badly advised, lose a valuable patent.

Mr. BOWLES (Lambeth, Norwood) said he thought the proposal was rather vindictive. It was gratuitous and unnecessary. Before these words in this section could come into effect the man would be in the position of having had his contract declared null and void, and therefore he would be forced to suffer the very serious consequences resulting from his having made a contract in which the governing condition was null and void. The whole value of the contract to him would be gone, but the other party to the contract might hold him to it. Being in that position, it seemed to him that the man was punished enough, and to impose an enormous and ruinous penalty in addition was going too far. Although the practices which they desired to stop might in some cases be a knowing violation of the law, he believed that in many cases they would be done by inadvertence by the poor inventors whom they wished to protect.

Mr. RAWLINSON said that this was the worst form of penalty which could be thought of. The infringer of the contract would be the first to get the benefit of the penalty, which was that the patent would be declared null and void. But he thought that the infringer of the contract was the last person who ought to be considered. He contended that to strike out this clause would not affect the rest of the Bill and that those who wished to use the patent had already got protection under Clause 16.

Question put.

The House divided :—Ayes, 144 ; Noes, 34. (Division List No. 414.)

AYES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Ainsworth, John Stirling
Allen,A.Acland(Christchurch)
Baring,Godfrey(Isle of Wight)
Barry,RedmondJ.(Tyrone,N.)
Beauchamp, E.
Beck, A. Cecil
Black, Arthur W.
Bowerman, C. W.
Brace, William
Branch, James
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Byles, William Pollard
Carr-Gomm, H. W.
Cawley, Sir Frederick
Cheetham, John Frederick
Clough, William
Collins,SirWm.J.(S.Pancras,W.
Cooper, G. J.
Corbett,C.H.(Sussex,E.Grinst'd
Cory, Clifford John
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies. W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Duncan,C.(Barrow-in-Furness)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Edwards, Sir Francis (Radnor)

Elibank, Master of
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Fiennes, Hon. Eustace
Fuller, John Michael F.
Gill, A. H.
Gladstone,Rt.Hn.HerbertJohn
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Greenwood, G. (Peterborough)
Hall, Frederick
Harmsworth, Cecil B. (Worc'r)
Harmsworth,R.L.(Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey,W.E.(Derbyshire,N.E.)
Harwood, George
Haworth, Arthur A.
Hazel, Dr. A. E.
Hazleton, Richard
Hedges, A. Paget
Helme, Norval Watson
Henderson,Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holland, Sir William Henry
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Isaacs, Rufus Daniel

Johnson, John (Gateshead)
Jones, Leif (Appleby)
Jones,William(Carnarvonshire)
Jowett, F. W.
Kearley, Hudson E.
Kelley, George D.
Lamont, Norman
Lardner, James Carrige Rushe
Lehmann, R. C.
Lever,A.Levy (Essex,Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lyell, Charles Henry
Macdonald, J. R. (Leicester)
Macpherson, J. T.
MacVeagh,Jeremiah(Down. S.)
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
Maddison, Frederick
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks, G.Croydon(Launceston)
Marnham, F. J.
Morton, Alpheus Cleophas
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Nicholson,CharlesN.(Doncast'r
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs., Leek)
Pollard, Dr.

Priestley, W.E.B.(Bradford,E.)
Rainy, A. Rolland
Rendall, Athelstan
Richards, Thomas(W.Monm'th)
Richards, T.F.(Wolverh'mpt'n)
Rickett, J. Compton
Roberts, Charles H. (Lincoln)
Roberts, John H. (Denbighs.)
Robertson, SirG.Scott(Bradf'rd
Rowlands, J.
Samuel, Herbert L. (Cleveland)
Scott, A.H.(Ashton-under-Lyne
Seddon, J.
Shackleton, David James
Shipman, Dr. John G.
Simon, John Allsebrook
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Summerbell, T.
Sutherland, J. E.
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Tennant, H. J. (Berwickshire)
Thompson, J.W.H.(Somerset,E
Walker, H. De R. (Leicester)
Walsh, Stephen
Ward, John (Stoke-upon-Trent)
Ward, W. Dudley(Southampton
Waring, Walter
Warner, Thomas Courtenay T.
Weir, James Galloway
White, J. D. (Dumbartonshire)
White, Luke (York, E.R.)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilkie, Alexander
Williams, J. (Glamorgan)
Wilson, John (Durham, Mid.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Anson, Sir William Reynell
Aubrey-Fletcher, Rt. Hon. Sir H.
Balcarres, Lord
Banner, John S. Harmood-
Barrie, H. T. (Londonderry, N.)
Beckett, Hon. Gervase
Berridge, T. H. D.
Boyle, Sir Edward
Cave, George
Cecil, Lord John P. Joicey-
Courthope, G. Loyd
Douglas, Rt. Hon. A. Akers-
Forster, Henry William
Gibbs, G. A. (Bristol, West)
Gordon, J.
Hardy, Laurence(Kent, Ashford
Harrison-Broadley, H. B.
Helmsley, Viscount
Hills, J. W.
Hunt, Rowland
Keswick, William
Lane-Fox, G. R.
Lupton, Arnold
Micklem, Nathaniel
Morpeth, Viscount
Nield, Herbert
Pease, Herbert Pike (Darlington
Radford, G. H.
Rawlinson, John Frederick Peel
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Valentia, Viscount
Walker, Col. W. H. (Lancashire)
Younger, George

TELLERS FOR THE NOES—Mr. Bowles and Mr. Claude Hay.

MR. LLOYD-GEORGE moved to amend Subsection (5) of Clause 23, which as it stood in the Bill provided that the insertion by the patentee in a contract made after the passing of the Act of any condition which by virtue of this section was null and void should be a ground on which the patent might be revoked The right hon. Gentleman proposed to insert instead of the words at the end rendering the contract null and void, words to the effect that such conduct should be available as a defence to an action for infringement of the patent to which the contract related brought while that ontract wacs in force.

Amendment proposed—

> "In page 10, line 29, leave out from the first word 'be,' to end of subsection, and insert the words 'available as a defence to an action for infringement of the patent to which the contract relates brought while that contract is in force.'"—(*Mr. Lloyd-George.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. LUPTON (Lincolnshire, Sleaford) suggested that it would be well if the right hon. Gentleman would insert the words "with the consent of the patentee," so that the patentee would not be able to bring his action so long as the objectionable contract existed with his consent. The patentee might wish to terminate the contract but might not be able to do so. If something of that sort were not inserted this House might render ineffective the labours of a lifetime.

MR. LLOYD-GEORGE said he could not accept that Amendment because if he did the patentee would not consent and the action for infringement would be brought.

MR. LUPTON said the presumption was that a patentee would make a contract which should last for the whole term of his patent and his rights would be extinguished by virtue of this amended clause. The patentee and inventor was usually a man of science and mechanical ingenuity and he was rarely a man who had any commercial or legal knowledge. Usually he was a mechanical enthusiast and it was hard to come down on him over a contract which was made illegal by this Act.

Mr. MICKLEM (Hertfordshire, Watford) said it seemed to him that Subsection (5) as it stood was vastly better than it would be as it was proposed to be amended by the President of the Board of Trade. He could quite conceive that where illegal contracts were entered into by the patentee it might be a ground on which the patent might be revoked, but he failed to see how when the patentee had entered into a contract with some one else that contract could be a defence to an action against the third party who had infringed the patent. It seemed to him somewhat ludicrous. If a man infringed a patent surely it ought not to be a defence to him who was a wrongdoer, that the patentee had entered into a contract which contained conditions which were under this section null and void. The contract itself was not null and void but only certain provisions of it. How could such a contract as that be pleaded in an action for infringement against an ordinary wrongdoer? He could not understand how it could be, and he thought it would be better to leave the clause as it stood.

Amendment agreed to.

Amendment proposed—

"In page 10, line 31, to leave out Subsection (6)."

Amendment agreed to.

*Mr. RADFORD moved: "In page 11, line 18, at end, to insert the words '(*f*) apply to any contract if the seller, lessor, or licensor proves that at the time when the contract was entered into the patented article or invention in question was being freely sold without any such prohibitive or restrictive conditions, or that he was willing and had offered to the other party to the contract to sell, lease, or grant a licence to use or work the patented article or invention on reasonable terms, and without such prohibitive or restrictive conditions as hereinbefore referred to.'" He said that he believed this Amendment, or something like it, would be accepted by the Board of Trade. If the right hon. Gentleman did not see his way to agree to the Amendment, it would not be pressed to a division, and as he had already brought the matter to the attention of his right hon. friend he thought it would be sufficient if he moved the Amendment in a formal manner.

Mr. LLOYD-GEORGE said that this was a subject which he proposed to deal with by some such clause as he had read to the House, or by a similar clause moved elsewhere. He hoped that statement would satisfy his hon. friend.

Amendment, by leave, withdrawn.

Mr. J. D. WHITE moved to leave out Clause 25.

Amendment proposed—

"To leave out Clause 25."

Mr. LLOYD-GEORGE said that he accepted the Amendment.

Amendment agreed to.

Mr. RAWLINSON moved to leave out Clause 26. He said that this was an Amendment which he should venture to press very strongly upon the Government. Subsection (1) of Clause 26 abolished a tribunal which had existed for many years—the tribunal of the law officers who sat to hear appeals from the decisions of the comptroller. This Court, composed of the law officers, had over a long period done a very useful work in an admirable manner. It had been held by successive law officers, the business being conducted generally by arrangements between the Attorney-General and the Solicitor-General. It was a highly desirable tribunal from the point of view of patentees, and more especially from the standpoint of the small patentee. The Bill proposed to abolish this efficient but inexpensive tribunal altogether, and to substitute for it an appeal in all cases to a Judge of the High Court. Necessarily, and for reasons which the House would well understand, the hearing of an appeal before a Judge of the High Court must be a more expensive proceeding than an appeal to the simple tribunal now existing. It was an exceedingly informal but an exceedingly successful tribunal; and matters could be dealt with before the law officers in a sort of informal way which would be quite impossible in the case of the High Court. Of course before a tribunal composed of the law officers anyone could appear. If the patentee who was dissatisfied with the decision of the comptroller chose to employ legal assistance he could do so, but if he did not choose to do so he need not be legally represented. The law officers sat in a private room, and, meeting in this way, they formed a very competent tribunal for the decision of matters arising out of the comptroller's decision. This was an Amendment about which there was a considerable amount of feeling, and if it was accepted he could not help thinking that it would clear away a good deal of the opposition which was expressed to the Bill at the present time. Might he also use an illegitimate argument in favour of the Amendment? If this subsection was omitted, Subsection (2), which provided that rules of the Supreme Court regulating the procedure on appeals from the comptroller to the Court should provide for appeals under this section, would go as well. That raised very difficult and thorny questions. If they abolished this informal tribunal they had to transfer the whole of these appeals to a Judge of the High Court, and in that Court, before that Judge, there had been from time immemorial a practice that only barristers and solicitors were entitled to appear. Clearly, if they abolished this tribunal, the ordinary rules of law ought to prevail, with the result that only barristers and solicitors would be allowed to practice before the Judge. That being the case, he thought the House would see that there would be a certain amount of hardship caused by not allowing people to appear in person as they did now before the informal tribunal composed of the law officers. He hoped the right hon. Gentleman would accept the Amendment and would thus ensure that the Court which had existed so long should not be abolished.

Question proposed, "That the words proposed to be left out stand part of the Bill."

Amendment proposed—

"In page 11, line 39, to leave out Clause 26."—(*Mr. Rawlinson.*)

*MR. G. CROYDON MARKS (Cornwall, Launceston) said that if this clause was allowed to remain in the Bill, patentees in the future would have thrown on them an enormous expense and they would have a tribunal for the determination of cases which would be less satisfactory than that which they had at present. This was a very important matter and it deserved the consideration of his right hon. friend He could give a number of cases in which the comptroller had been wrong and in which the Court had been right. It was proposed to take away from the law officers the power of dealing with cases which they had been dealing with for many years and he thought the change would not be to the advantage of the patentee. During the year 1905–06 the comptroller gave 5,679 decisions. Against these there were sixty-two appeals to the law officers and only six were reversed. In the King's Bench Division in the year 1904, there were 123 appeals and only fifty-two were maintained. In the Chancery Division there were 114 appeals and only fifty-six were maintained. In the House of Lords there were fifty-four appeals and twenty-nine were maintained. He was perfectly certain that if this tribunal were shifted from the law officers to the Courts they would have a less satisfactory termination to the cases and a great deal more cost would be associated with the proceedings. He therefore hoped that his right hon. friend would see his way to agree to the Amendment.

MR. HILLS said that he wished to support the Amendment of his hon. and learned friend. This tribunal consisting of the law officers had been in existence for a period of twenty-four years and during all that time it had undoubtedly worked admirably. It was a cheap tribunal, it was quick, and it exactly met the needs of the case. Now it was proposed by the President of the Board of Trade that instead of this eminently satisfactory procedure of an appeal to the law officers, there should be an appeal to the High Court. That Court, as the House knew, was overworked already, and he therefore maintained that it needed a very strong case to be made out before the House should sanction such an alteration. The effect of the Bill was to put in the place of a very good tribunal, a Court which was already overworked, and it was only in the nature of things, the circumstances being what they were, that delays should occur. He hoped the President of the Board of Trade would accept the Amendment, because if he did not, his Bill would destroy a procedure which had worked exceedingly well in order to substitute one that could not prove nearly so satisfactory.

*Mr. RADFORD hoped the President of the Board of Trade would stick to this clause. He understood that the Amendment before the House proposed to strike out both subsections and he thought it was difficult to discuss the matter on that basis. It might be that certain Members would be in favour of striking out one subsection and not the other. If they struck out the first subsection they retained the law officers as the tribunal which was to hear any appeals from the decisions of the comptroller. While he wished to speak of the law officers with unfeigned respect, he thought it was only just to remark that they were not appointed to their respective offices with any special regard to their competence to discharge these particular duties. He differed from several previous speakers inasmuch as he thought it would be a great advantage to the poor inventor if he had a right of appeal from the comptroller to a regularly constituted Court such as was proposed by Subsection (1) of the clause, and he hoped therefore that the President of the Board of Trade would stick to that part of the clause Subsection (2) which laid down that rules of the Supreme Court should provide for appeals under this section being heard in chambers, and for allowing any person to appear and be heard on any appeal who might have appealed and been heard on an appeal to the law officer was inserted with the view of diminishing expense, and of preserving the right of audience which the patent-agents now had before the law officers, and which it was proposed they should retain, before the Judge in chambers. Experience had shown that the practice of giving a right of audience to the patent-agent had been extremely useful. This was one of few clauses in the Bill which were likely to realise the genuine desire of the President of the Board of Trade to do something for the poor inventor, or at any rate to preserve the meagre rights which the patentee possessed under the present law. The method favoured by the hon. Member for Cambridge was that the inventor should instruct the patent agent and pay him, that the patent agent should instruct the solicitor and pay him, that the solicitor should instruct counsel and pay him. The result would be that three men would be paid instead of one and no increase in efficiency would be produced by the process. On the contrary he thought there would be a diminution in efficiency. The patent agent knew nearly all about the matter, almost as much as the inventor; the solicitor knew a little less; and counsel knew a little less than the solicitor. The individual who knew least about the matter would present the case. For these reasons on the ground of diminishing the cost and increasing the efficiency, he sincerely hoped the second subsection, preserving the right of audience to the patent agent would be retained.

Mr. CAVE said he wished to deal with two points the hon. Member had put before the House. He did not understand how Subsection (2) could stand without Subsection (1). Subsection (2) was simply the machinery for carrying out the first subsection.

*Mr. RADFORD: I wish to preserve both.

Mr. CAVE said the hon. Member suggested at the beginning of his speech that he did not agree with leaving out Subsection (2) although Subsection (1) might be argued. The second point was that the hon. Member had said that when these appeals were left to the law officers it was a mere toss-up whether the law officer was able to do the work. Hitherto they had always found the work was extremely well done. The law officers had one after another given full attention to the work and had done it to the satisfaction of everybody. The tribunal as at present was informal, it was rapid, it was cheap, and it was satisfactory to all concerned. Why then should they alter such a tribunal for a tribunal which must take more time, which must be more expensive and which in some respects would not, he thought, be quite so satisfactory?

*MR. RUFUS ISAACS appealed to the President of the Board of Trade to accept the Amendment. So far as he understood the arguments which had been addressed to the House, there seemed to be no valid reason put forward for substituting another tribunal for the one which had existed so long and worked so successfully. Indeed the arguments put forward seemed rather to support the views of those who favoured the Amendment. It was desired to avoid expense. In order to effect this purpose it was much better to keep a tribunal which had worked so well for so long a time and which had proved satisfactory and inexpensive for dealing with matters brought before it. He urged that matters might be allowed to stand as they were and the rights of appeal to the law officers preserved, who, in spite of what had been said by the hon. Member who had recently spoken, had always in the past proved a satisfactory tribunal for dealing with these questions. Unless there was some better ground put forward for substituting another tribunal which must be more formal and more expensive, he submitted to the House and to the President of the Board of Trade, that no change should be made, and that this provision should be eliminated from this Bill.

*MR. LLOYD-GEORGE regretted that none of the law officers were present. There was no doubt there was a general feeling that the present tribunal had worked very well. It had been put to him by a very high legal functionary that it was not so much a tribunal as a kind of domestic arrangement. Agents came and discussed matters round a table and there was nothing in the way of formal presentment of the case on one side or the other. The idea of the Bill was that there should be a special Judge with a special knowledge of patent cases who should sit upon patent business. It was quite clear to him, however, that it was the sense of the House that the present jurisdiction of the law officer should be retained. In the circumstances he acceeded to the Amendment.

Amendment agreed to.

Amendments proposed—

"In page 12, line 3, to leave out the word 'under,' and to insert the words 'by virtue of.'"

"In page 12, line 4, after the word 'referred to insert the words 'or presented.'"

"In page 12, line 5, to leave out the words 'or reference.'"

"In page 12, line 6, after the word 'made to insert the words 'and the petition referred or presented.'"—(*Mr. Lloyd-George.*)

Amendments agreed to.

*MR. CAVE moved, in page 12, line 8, to leave out from the word 'purpose' to end of clause. The words he struck out, he said, provided that the decision of the Judge should be final—a matter of great importance. He had every confidence in our Courts, but he thought the right of appeal was very valuable. He noticed that the President of the Board of Trade had put an Amendment on the Paper that the decision should be final except in the case of an appeal from a decision of the comptroller revoking a patent on any ground on which the grant of such patent might have been opposed. The effect of that was that a decision under Section 14 of the Bill would not be final, but a decision under Section 15 or Section 16 would. Might he, before the President moved his Amendment, suggest that he should go a little further and leave out the final words of his Amendment, so that it should read "except in the case of an appeal from a decision of the comptroller revoking a patent." The revoking of a patent was a very serious matter to a patentee, and whether it was revoked on one ground or on another an appeal should be allowed.

Mr. CLAUDE HAY seconded.

Amendment proposed—

"In page 12, line 8, to leave out from the word 'purpose,' to the end of Clause 27."—(*Mr. Cave.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. LLOYD-GEORGE said he could not see his way to accepting the proposal. It would destroy the whole effect of the Bill because, as the hon. Member knew, what had been the difficulty up to the present in regard to dealing with these patents was the enormous expense of putting such clauses as they had got into operation. A man in his endeavour to put these classes into operation might be taken from Court to Court, first of all to the Comptroller, then to the High Court, then to the Court of Appeal, then to the House of Lords. No man in these circumstances cared to undertake what was after all a public duty, the duty of compelling these patentees to work their patents in the country which granted them.

Mr. CAVE: My suggestion is that the right hon. Gentleman should confine the right of appeal to cases where the patent is revoked.

*Mr. LLOYD-GEORGE said that Clause 15 was purely a clause with a view to compelling those who took out patents in this country to work them. He was certain that if there were three or four appeals such as he had indicated, in that case the result would be that the clause would be quite inoperative. The cost of these appeals was enormous. Before they got the matter through the House of Lords there might be £5,000 to £10,000 spent in compelling a foreign patentee to work his patent. In these circumstances they might as well not legislate at all. It was with a view to cheapen procedure largely that the Bill had been introduced, and if they were going to allow a series of appeals it would be quite useless. In case of revocation of a patent under Clause 14, that was a different matter. He thought an appeal might be granted there.

Mr. CAVE said he was willing to withdraw the Amendment.

Amendment by leave, withdrawn.

Amendments proposed—

"In page 12, line 8, to add the words 'except in the case of an appeal from the decision of the Comptroller revoking a patent on any ground on which the grant of such patent might have been opposed.'"

"In page 12, line 35, to leave out the word 'further' and to insert the word 'second.'"—(*Mr. Lloyd-George.*)

Amendments agreed to.

Amendment proposed—

"In page 12, line 36, at end, to insert the words, 'If within the prescribed time before the explanation of such second period of five years application for the extension of the period of copyright is made to the Comptroller in the prescribed manner, the Comptroller may, subject to any rules under the principal Act, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years.'"—(*Mr. Lloyd-George.*)

Mr. CLAUDE HAY said that surely the right hon. Gentleman would give the House a few words of explanation of the Amendment.

Mr. LLOYD-GEORGE said the holder of a copyright was not adequately rewarded, and artists generally had pressed that Amendment on the Government with a view to securing special treatment.

Amendment agreed to.

Amendment proposed—

"In page 13, line 17, after the word 'disclosure,' to insert the words 'or acceptance.'"—(*Mr. Lloyd George.*)

Amendment agreed to.

Amendment proposed—

"In page 13, line 20, to leave out the words 'Subject to the rules under the principal Act.'"—(*Mr. Lloyd-George.*)

MR. CLAUDE HAY said that surely on a question of rules which involved questions of law the President of the Board of Trade should give them some explanation.

MR. LLOYD-GEORGE said the words had been inserted in that clause by mistake. They should have been inserted in Clause 42.

Amendment agreed to,

Amendment proposed—

"In page 13, line 32, after the word 'refused,' to insert the words 'nor shall the registration thereof be invalidated.'"—(*Mr. Lloyd-George.*)

Amendment agreed to.

MR. BLACK said he did not propose to move his first Amendment, which was to leave out Clause 33, but he would move his second Amendment, which was, in page 14, line 9, to leave out the words "not less than one year." If the right hon. Gentleman agreed to accept his Amendment he need not trouble the House with any of the reasons which he had for bringing it forward. The clause applied particularly to an industry like the lace industry, and in the lace industry the life of a design was exceedingly short, generally about one season.

Amendment proposed—

"In page 14, line 9, to leave out the words 'not less than one year.'"—(*Mr. Black.*)

MR. LLOYD-GEORGE said he thought the Amendment was a reasonable one.

Amendment agreed to.

Amendment proposed—

"In page 14, line 15, after the word 'kingdom,' to insert the words 'including those relating to costs.'"—(*Mr. Lloyd-George.*)

Amendment agreed to.

MR. LLOYD-GEORGE moved an Amendment the object of which was to give in the case of designs the same remedies as in the case of patents.

Amendment proposed—

"In page 14, line 17, at the end, to add the words 'Such ground as aforesaid shall be available by way of defence to an action for infringement of the copyright in the design.'"—(*Mr. Lloyd-George.*)

Amendment agreed to.

Amendments proposed—

"In page 17, line 14, to leave out the words 'subject to rules under the principal Act.'"

"In page 17, line 16, at beginning, to insert the words 'subject to rules under the principal Act.'"—(*Mr. Lloyd-George.*)

"In page 17, line 21, after the first 'declaration' to insert the words 'or allow any declarant to be cross-questioned on his declaration.'"—(*Mr. Cave.*)

Amendments agreed to.

MR. LLOYD-GEORGE moved, "in page 17, lines 38 and 39, to leave out the words 'or giving notice of appeal from any decision of the Comptroller.'"

MR. CLAUDE HAY asked what the words meant. He thought the House should have an explanation.

MR. LLOYD-GEORGE said he would not press that Amendment or the following one, which was, "in page 17, line 41, to leave out the words 'or in case of appeal to the law officer, the law officer.'"

Amendment, by leave, withdrawn.

*MR. RADFORD moved, on Clause 45, to add the words '(2) If any person who is not registered as a patent agent uses on his place of business or on any document issued by him or otherwise, any words or title suggesting that he is a patent agent, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds.'" He said the clause was intended to meet the evil, which it had been discovered by sad experience existed, of a man who had been struck off the register for disgraceful professional conduct and who therefore was not entitled to the description "patent agent" using some other title calculated to make people think he was a patent agent or something a shade better. Some other title such as "patent expert," which conveyed the same idea to the public, was used by men who could not legally describe themselves as patent agents. Such men carrying on their business in that manner had caused great loss to innocent inventors who had sent them fees for them to take out patents, but the fraudulent recipients had put the money in their pockets and not taken out the patents at all. It was to put an end to that state of things that he moved his Amendment. He knew it would be said, and it had been said, in opposition to the suggestion that he had put forward, that the Comptroller of Patents kept a sort of black list of patent agents who had been removed from the register. That was said last year when a Bill embodying his suggestion passed through the House of Lords. But it was no reply to say that the Comptroller of Patents did not allow these men to practice, for that would not be effective against fraudulent agents who never applied to the Comptroller at all, but simply put the money they received as fees in their pockets and fraudulently converted them to their own use. Gentlemen like the President of the Board of Trade, who knew all about patents and patent agents, knew that that was a serious and widespread evil, which ought to be stopped at once. If the President of the Board of Trade considered the words in the Amendment too sweeping and would suggest some words which should be inserted limiting it to people who intended to deceive, he would be quite satisfied to accept them. The evil was, however, a serious one, and one from which the public suffered, and he therefore commended the clause to the House.

MR. HILLS seconded.

Amendment proposed to the Bill—

"In page 18, line 7, at the end, to insert the words, '(2) if any person who is not registered as a patent agent uses on his place of business, or on any document issued by him or otherwise, any words or title suggesting that he is a patent agent, he shall be liable on summary conviction to a fine not exceeding twenty pounds.'"—(*Mr. Radford.*)

Question proposed, "That those words be there inserted in the Bill."

*MR. LLOYD-GEORGE said the Amendment which his hon. friend proposed was a serious one. He would not say it was not desirable, but he was doubtful whether it would be effective. If the Government decided to accept it there would be very considerable opposition. He had received information from a good many quarters that there would be opposition. He thought the whole thing ought to be considered. They were dealing with a very responsible profession, a skilled profession, and he thought that the *status* of the profession should be recognised. Still he doubted very much whether it could be done in a clause of that kind. If they proposed to do it they should do it in a much more certain way than in the way suggested by his hon. friend. If they thought that it could be done it should be properly done by means of a second Bill, when there would be full opportunities for the patent agents to state their case and for those outside the profession to state their case. He agreed there was a great deal to be said against some of the men to whom his hon. friend had referred, and that there might be attempts to deceive the public, but a good many of these outside men earned an honourable living, and that they should be deprived of all means of obtaining their livelihood without being allowed to state their case would be manifestly unfair. He hoped that his hon. friend, having stated his case, and set it before the House, would withdraw his Amendment, for he must realise that at that stage of the session it would be impossible to set up a new provision of that kind, with all the new rules which would be rendered necessary. Some organisation would, of course, be necessary to carry the proposal out properly, for that could not be done by the Amendment before the House.

MR. RADFORD said he could not resist the appeal of his right hon. friend, based, as it was, on the late period of the session. He asked leave to withdraw his Amendment.

MR. CLAUDE HAY said before the Amendment was withdrawn he would ask the House to remember that the President of the Board of Trade had made a very important statement. The right hon. Gentleman had said that the words proposed to be introduced were not suited to the subject, that the profession was a skilled one holding a highly responsible position in the commercial life of the country, and that the unsatisfactory state of things belonging to the work of that profession rendered legislation of great importance. Surely, that being so, when the President of the Board of Trade was dealing as he was that night, with the patent laws in a large spirit, so large that the next order of the day was the Patents and Designs Consolidation Bill, he should give an undertaking that he would make it one of the first considerations in his programme for next year to introduce a very substantial Bill dealing with the patent agents of this country.

MR. LUPTON said that he entirely agreed with the right hon. Gentleman. The most successful profession in this country was a profession without any legal restriction—civil engineering. He supposed the House knew that anyone could call himself a civil engineer. As soon as they set up a close corporation as a means of protection from the competition coming up from the great mass of the people a deterioration began. The more close the corporation the less worthy it was of the country. If the proposal was adopted in the present case it would not do any good to the people whom it was primarily intended to benefit and he hoped therefore that it would not be agreed to, although he quite sympathised with the feelings which had prompted the mover in bringing it forward.

Amendment, by leave, withdrawn.

Amendments proposed.

"In page 19, line 9, at end, to insert the words 'Section 19.'"

"In page 19, line 23, at end, to insert the words 'Section 38.'"

Amendments agreed to.

MR. LLOYD-GEORGE said he wished to appeal to hon. Members to assent to the Third Reading of the Bill that night. His reason for making this request was that he wanted the measure to be sent up to the House of Lords as soon as possible, so that the other House might be able to consider it without delay, as the session was now very near its close. If this were done hon. Members would have an opportunity of considering fully any Amendments which were made in another place and progress generally would be expedited.

MR. CLAUDE HAY said that after what the right hon. Gentleman had said he felt that he for one could not refuse his appeal.

Bill read the third time, and passed.

PATENTS AND DESIGNS (CONSOLIDATION) BILL.

Considered in Committee.

Motion made and Question proposed, "That Clause 1 stand part of the Bill."

LORD BALCARRES (Lancashire, Chorley) said that he hoped the President of the Board of Trade would tell the Committee something concerning the intentions of the Government regarding this measure.

*MR. LLOYD-GEORGE said that he should be glad to explain briefly what it was proposed to do. He hoped hon. Members would allow him to send the Bill up to the House of Lords and let them consider the question of the incorporation of the Patents and Designs Bill, as finally amended by them, in it. Of course it would be no use getting the Consolidation Bill through at all unless the Patents Bill which the House had just read a third time was incorporated in it. If hon. Members agreed to that step the Bill would come down there afterwards, as amended by the House of Lords, for consideration.

LORD BALCARRES thought that the course taken with regard to this Bill was really somewhat inconvenient. He understood that this Bill, like all Consolidation Bills, ought to be referred to a Select Committee. The Bill was now before a Committee of the Whole House, but it was manifestly out of the question for the House of Commons to attempt to consider the whole of the eighty clauses which were now before them. They might accept the assurance which would, no doubt, be given that there was not a line nor a word in the Bill which was different from or inconsistent with any existing statute. It was well known that during the last ten or a dozen years there had been cases in which Consolidation Bills in respect of various statutes had made considerable alterations of the law, but that had invariably been put right in Select Committees of the House of Commons. The right hon. Gentleman asked them now *pro forma* to discuss the eighty clauses in this Bill, and it was obvious that at one o'clock in the morning they could not do it. As that was impossible they were to pass the eighty clauses and give the right hon. Gentleman the Third Reading of the Bill with the same despatch as was shown in the case of the measure just disposed of. They were to send the Bill to the House of Lords together with the Bill which the right hon. Gentleman had just piloted through the House and ask for a Select Committee to be set up in another place. The Lords were to be asked to incorporate in this Consolidation Bill the thirty or forty clauses of the Bill just passed, and, though the right hon. Gentleman might regard it as a simple form of procedure, he submitted that really it was a rather cumbrous method. The Patents and Designs Bill was going to be amended by agreement in various respects in the Lords. This Bill, therefore, would have to come down again after consideration; the eighty clauses would have to be reprinted and the whole matter would have to go to a Select Committee of the House of Commons. They could not, he submitted, pass the Bill without letting a Committee consider it in some form, because a measure of this kind undoubtedly required very careful and detailed expert examination. It was not right that a Bill should be passed through Parliament in the last few hours of a session which really required weeks of work, and it might be found on examination that there were certain points in the Bill which the House had just passed that conflicted with existing statutes. All these matters needed the most careful explanation and it was in the interests of sound legislation that he ventured to press these points on the attention of the right hon. Gentleman. The Lords would require a few hours to consider the Bill, and it would be very late in the session—almost at the very end—before it could come back to the House of Commons. Under the circumstances he ventured to suggest to the right hon. Gentleman that it would be a very great advantage if he would consider the propriety of deferring the consolidation of the patent laws, eminently desirable as it was, until next session, when he was sure it would be treated as a purely formal and non-controversial matter.

*MR. LLOYD-GEORGE said that of course he would not be disposed to press a matter of this sort if the Opposition were not prepared to accept it. He had understood, however, that in the case of this Bill there was not only an agreement, but a desire not to oppose the Bill. They had just given a third reading to a Bill amending the patent laws, and he thought it was very important that the ordinary layman who was interested in patents should be able to read those laws for himself. One thing was absolutely certain, and that was that he could not do it now. The Consolidation Bill could not be taken, however, unless the members of the Opposition really assented, and he would be glad to know what their desire in regard to the measure really was.

LORD BALCARRES said it was not a question whether the Opposition objected or not. They did not object to the consolidation of the patent laws, but, on the other hand, they thought it was a thing that ought to be carried out. As a matter of fact they considered it not only advisable, but imperative. The only question which exercised their minds was whether that consolidation should be effected during the last hours of the session, or whether it would not be better to postpone it till there was ample time for experts to consider the whole matter, the importance of which he thought no one denied.

*MR. LLOYD-GEORGE said that if the Opposition did not object to the Bill he would suggest that they should let it go to the House of Lords and there would be ample time before it came back to the House of Commons to consider whether they should proceed with it or not. If they sent both Bills up to the House of Lords then they would know the final form which would be assumed by the Bill to which they had given a Third Reading that night and they would be in a better position to consider the question of consolidation.

MR. FORSTER (Kent, Sevenoaks) said that the Opposition did not object to the Consolidation Bill, but what they wanted to know was whether there was an understanding that the Patents and Designs Bill was to be included in the Consolidation Bill, and that if the latter was passed through the House of Commons it should be carefully reviewed before it actually became the law of the land. Under the Bill which the House had just passed amending the patent laws various machinery provisions were set up, and he was not certain that all his legal friends were satisfied that these would work smoothly. One of the objects in passing a Consolidation Bill was to save expense, and they would not do this unless the provisions of the Bill were carefully considered. This they all hoped and believed would be satisfactorily done in another place, but the House of Commons at any rate would not be willing to accept the Bill without further examination. All he wished was to have it recognised that when the Bill came back it must of necessity be subjected to examination by the House of Commons.

MR. CLAUDE HAY said that the President of the Board of Trade made a very proper statement when he said that the object of this Bill was to ensure that the poor inventor who was concerned in patents should have a cheap *vade mecum* of the law. The first function of the House of Commons was to have the first hand in framing legislation of this kind, but if they adopted the suggestion of the right hon. Gentleman and took this Bill in Committee in the early hours of the morning because it was to be sent to another place, then it would be dealt with by the other House, with the result that the House of Commons would have lost control of the Bill. He was quite sure that the Committee would recognise the truth of that statement, because the House of Commons would only, under those circumstances, be able to deal with such Amendments as the House of Lords might pass. Therefore it was a very serious thing to agree to the idea that the Committee stage of the Bill should pass practically *sub silentio*, throwing the whole duty of considering the measure on another place. If anything went wrong in another place in respect of this Bill the burden would not rest on the House of Commons but on the other Chamber. Being a Member of the House of Commons he preferred that the responsibility should rest on the House of Commons, and he thought they should do all they could to ensure that the Bill had an easy passage through that House. He appealed to the right hon. Gentleman to adjourn the consideration of the Consolidation Bill until the other Chamber had had a full opportunity of considering and amending, with the full consent of the House of Commons, the Patents and Designs Bill which had only a few moments ago passed its Third Reading. If the right hon. Gentleman agreed to put back this measure for a time every facility would be placed in his way of passing a fully matured Consolidation Bill through the House of Commons. Otherwise it would be like producing a cheap book, badly edited, and instead of making the law more intelligible to the inventor they would run the risk of making it more difficult to understand The Opposition were taking a perfectly reasonable course in asking the right hon. Gentleman to adopt this plan, and he was convinced that the best results would be secured if their suggestion was adopted.

*Mr. CAVE said the Consolidation Bill had over eighty clauses, and the new Bill had about fifty. Everybody who understood the matter knew that the effect of the new Bill would be to necessitate alterations in a great many clauses of the Consolidation Bill. Of course, any Amendments actually made by the Lords in the Consolidation Bill would come before the Commons for consideration, but supposing the Lords omitted to alter the clauses of the Consolidation Bill which ought to be altered in order to give effect to the new Bill, how could the Commons deal with that matter? The House of Commons could only deal with Amendments made by the other House, and could not insert new Amendments after the Bill had been returned from the other House. He did not know what machinery the Lords had for dealing with such complicated matters, or whether they were dependent on the private efforts of Members, but in any case words might be omitted which ought to be inserted and this House would then be unable to insert them. Was it not possible to postpone the Committee stage of the Consolidated Bill in this House until they got the amended Patents Bill back? Then when they got that back and knew what the Lords' Amendments were, they might in a few days put the proper clauses into the Consolidation Bill and go on with that Bill. He was very much in favour of consolidation, but he was against consolidation in a hurry.

Mr. GORDON said that in a measure like that there might be mistakes which hon. Members might be able to point out. He was most anxious to see a Consolidation Bill. He would like to have the law consolidated. It would be in the interests of everyone concerned that it should be; but he certainly thought it would be better to go slowly and let the Bill which had been passed go up to the House of Lords and come back first. If that could not be done they need only wait till next session, when a Consolidation Bill could go through without any waste of time or trouble. All he wanted was that if they were to have a Consolidation Bill, the Bill should be of such a character that it would carry out the object intended, and that was to have the law accurately stated in a compendious form.

Question put, and agreed to.

Remaining clauses agreed to.

Bill reported, without Amendment; read the third time, and passed.

ADJOURNMENT.

Motion made, and Question, "That this House do now adjourn"—(*Mr. Whiteley*)—put, and agreed to.

Adjourned accordingly at six minutes after One o'clock.

An Asterisk (*) at the commencement of a Speech indicates revision by the Member.

HOUSE OF LORDS.

Wednesday, 14*th August*, 1907.

PRIVATE BILL BUSINESS.

Alexandra (Newport and South Wales) Docks and Railway (General Powers) Bill. The Chairman of Committees informed the House that the Promoters do not intend to proceed further with the Bill. Ordered that the Bill be not further proceeded with.

Metropolitan Water Roard (Charges, etc.) Bill. Moved, That the order made on the 20th day of March last, "That no Private Bill brought from the House of Commons shall be read a second time after the 18th day of June next," be dispensed with, and that the Bill be now read 2^{a}; agreed to; Bill read 2^{a} accordingly; Committee negatived.

Renfrewshire Upper District (Eastwood and Mearns) Water Bill [H.L.].—Returned from the Commons agreed to, with Amendments. The said Amendments considered, and agreed to.

Leith Burgh Order Confirmation Bill; London County Council (Tramways and Improvements) Bill.—Returned from the Commons with the Amendments agreed to.

PETITIONS.

BUTTER AND MARGARINE BILL.

Petition to be heard by Counsel for amendment of; of Colwyn Bay and District Grocers' and Bakers' Association. Read and ordered to lie on the Table.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Petitions against; of Society of Advocates in Aberdeen; Kirkintelloch and District Agricultural Society; West of Scotland Land Defence Association; and persons signing (2). Read, and ordered to lie on the Table.

RETURNS, REPORTS, ETC.

TRADE.

Annual statement of the trade of the United Kingdom with Foreign Countries and British Possessions, 1906. Supplement to Volumes I. and II. Abstract and detailed tables showing countries of consignment of imports and countries of ultimate destination of exports, with a prefatory memorandum.

COMMERCIAL, No. 8. (1907.)

Report by Sir Eldon Gorst and Mr. Llewellyn Smith on a system of British commercial attachés and commercial agents.

TRADE REPORTS: ANNUAL SERIES.

No. 3899. Austria-Hungary (Fiume).
No. 3900. Austria-Hungary.

TREATY SERIES.

No. 22. (1907.) Accession of Nicaragua to the convention signed at Geneva, 6th July, 1906, for the amelioration of the condition of the wounded and sick in armies in the field, 17th June, 1907.

No. 23. (1907.) Accession of Panama to the convention signed at Geneva, 22nd August, 1864, for the amelioration of the condition of the wounded in armies in the field, 29th July, 1907.

Presented (by Command), and ordered to lie on the Table.

LOCAL TAXATION RETURNS (SCOTLAND) ACT, 1881.

Annual Local Taxation (Scotland) Returns for the year 1905–1906.

FACTORY AND WORKSHOP (DANGEROUS AND UNHEALTHY INDUSTRIES).

Regulations, dated 6th August, 1907, made by the Secretary of State for the Home Department in pursuance of section 79 of the Factory and Workshop Act, 1901, for the process of heading of yarn dyed by means of a lead compound.

Laid before the House (pursuant to Act), and ordered to lie on the Table.

MERCHANT SHIPPING (TONNAGE DEDUCTION FOR PROPELLING POWER) BILL.

Report, etc., of the Select Committee of the House of Commons, communicated (pursuant to Message of yesterday), and to be printed. (No. 173.)

SMALL LANDHOLDERS' (SCOTLAND) BILL.

Debate on the Amendment proposed by the Lord Balfour to the Motion for the Second Reading, viz., "that this House, while anxious to encourage the formation of small holdings under reasonable conditions, and to consider favourably such fair amendment of the Acts relating to the tenure of crofter holdings as experience may have shown to be necessary, deprecates an indiscriminate and universal extension of the crofting system, sees no justification for establishing in Scotland a Land Court on the Irish model, and declines to proceed with a Bill which introduces into the agricultural districts of Scotland the evils which are inseparable from any system of divided ownership in land," resumed (according to order).

*THE EARL OF KINTORE: My Lords, knowing my limitations, I am always in substantial agreement with the saying of a witty man that very often a man's most brilliant flashes are his flashes of silence. Therefore it has always been my endeavour never unnecessarily to occupy your Lordships' time. On that ground alone I feel that I may count upon your Lordships' good nature if I now venture to address the House upon this Bill. But, my Lords, I have another ground. Last night, I think, Lord Rosebery opened his speech—a magnificent and a memorable one—by the remark that so far as his individual interests under the Bill were concerned, the utmost that the proposed Land Court, even in its most feverish and energetic mood, could do would be to play with a sum of £12. The noble Earl is a much more fortunate man than I, for one, am. I am one who is seriously affected by this Bill. I remember that a fortnight ago another Scottish Bill—only a private Bill—was before this House when, for very sufficient and adequate reasons, any discussion on the merits was barred. But the Bill before us to-night is not a private Bill. It is a Bill of far-reaching and first-class character, promoted by the Government, referring to Scotland. Even poor old Ireland to-night has a temporary rest, and it is the merits of this Bill for Scotland which it is our business and our duty to discuss. By-the-bye, my Lords, I am not quite sure that the phrase I used, "the merits," even though used in a Parliamentary sense, is an entirely happy one in regard to this Bill. For I imagine that the average Scotsman reading it would be apt to say that before you can discuss its merits you have to discover them, and that, as I think the debate of last night conclusively showed, would be an enterprise which even with the able help of the Lord Chancellor, would prove unprofitable and fruitless. For in truth, so far as I know, no Bill for Scotland containing more unjust and more amazing provisions has ever been thrown at this House—provisions unjust to the ratepayers and not only ruinous directly and indirectly to many landowners—that is an object always dear to the heart of this Government—but also, I am afraid, likely to prove more of a bane than a boon to the very class which this Bill professes to benefit. The debate on the proposals of the Bill in another place, I need hardly add, were at once choked and closured in the House of their origin. For any parallel to the proposals of this Bill we have, I think, to turn to Ireland, and surely the state of that country—the condition of its landowners and tenants alike—is not such as to offer inducements to any of your Lordships interested in Scotland to acquiesce *sub silentio* in this legislation.

Turning to the Bill, your Lordships will find that we, first of all, have clauses amending the Crofters Act—an Act which now only applies to the crofting parishes in certain counties in Scotland—and then applying that Act to the rest of the country. My Lords, of the working of the Crofters Act I will not presume to speak—I have not first-hand knowledge—but those who know—and it has been mentioned by some of them in this House—agree that it has worked well during the twenty years it has been in operation. I accept that statement unreservedly, but I ask your Lordships, is that any reason whatever for applying the provisions of that Act to the remaining and enormously larger part of Scotland, where every agricultural condition, the relations between landlord and tenant, the habits and characteristics of the people themselves, are totally different from those in the northern and western Highlands? The Secretary for Scotland is not, I think, a Scottish landowner himself, but at least he knows that on the vast majority of holdings throughout the whole length and breadth of that country the dwelling-house and the steadings are built by the landlord, and the draining and the fencing are executed by him as well. His expenditure—and it has been very great—has been indiscriminately applied to holdings both large and small, and tenants move quite freely between one farm and another. True, there are, of course, certain cases of improving leases where the tenant has put up his own house, but that fact has always been taken into consideration in fixing the rent, and as a matter of fact the landlord is constantly repairing or replacing those buildings. Gratuitously to seek to alter the system which has given to Scottish agriculture the great reputation which it enjoys, by applying the Crofters Act to districts quite unsuited to it, seems to me to be too inept, and too bad a policy for language to describe. Remember that in my part of the country at least—and I think what I am going to say applies to all Scotland—there is no hostility to small holdings as such, and any statement to the contrary, whether made in or out of Parliament, is really nonsense. Let me, as proof, adduce figures taken from the last Return—that of 1906—as regards Aberdeenshire, Banffshire, and the small county of Kincardineshire. Aberdeenshire then had 6,956; Banffshire 2,502; and Kincardineshire 868. Those figures do not appear to me to indicate anything like hostility to small holdings. I have a considerable number myself; and, of course, one always strives to do what one can for the well-being of the tenants. If there be an exception—and personally I have heard of only one—where complaint has been made that the number of small holdings on any estate has been sensibly reduced, that exception is an estate which the Secretary for Scotland and my noble friend the First Lord of the Admiralty know well, the estate of a noble friend and neighbour of mine in Aberdeenshire, a Member of this House and a distinguished member of His Majesty's Government, who spoke last night. I see that at a meeting of East Aberdeenshire Radicals held in that constituency last month, where they were merry-making over the prospective plunder to come from this Bill, a tenant of that noble Lord stated, as an instance of the necessity for the Bill, that in his district of Methlick at least 100 small holders have been done away with in years past. Curiously enough not even East Aberdeenshire Radicals are infallible, and that statement of this man may be an exaggeration; but, even it were true, no doubt the reason was that in face of foreign competition and low prices these holdings could not make a living, far less return a profit to their occupants.

The Secretary for Scotland says that the Bill is one of the whole Cabinet, collectively and individually. My noble friend opposite, the First Lord (Lord Tweedmouth) speaking upon the Bill last night, damned it, as it seemed to me, by an apologetic speech of faint praise. Then, I should like to hear what my noble friend the Secretary for the Colonies has to say. Will he tell us in how far he considers this Bill suitable for the broad acres of Fife? And then there is another noble Lord, now a Scottish proprietor, who is not, I am afraid, present at the moment, who adorns the Front Government Bench. He, it is true, greatly to his disappointment and surprise, and to that of his friends and admirers, has not yet obtained Cabinet rank, but I think he is bound very soon to do so, representing, as he does, the War Office, and having, by his recent conduct of a first-class measure through this House, obviously added greatly to the many other obligations under which he has laid His Majesty's Government. Although his explanations were not characterised by that clearness of exposition which some of us so badly needed, they were, I think, marked by a very proper sense of personal pride in his work and in its value. If he chooses to express his views—if he has any which he wishes to express—I am sure the House will be delighted to hear them. Your Lordships are able to judge what weight to give to statements by Ministers upon the Bill; but, after all, it is not so much what they think of the Bill—or rather, what they say of the Bill—as the Bill itself with which we are concerned.

Going back, then, to the Bill, I want to ask, how are our small holdings to be dealt with? In the first place, the tenants are to be dubbed "crofters," who are not in any sense crofters; fixity of tenure is given to all tenants under fifty acres or paying less than £50; and the Bill sets up a highly salaried Land Court with a staff, unlimited either as to number or remuneration, to cut down rentals and to fix them, as cut, so that the landlord is deprived absolutely of all management of his estates; the capital he has laid out is, in effect, wiped out; and the major part of the owner's rights are transferred to the tenant without one shilling of compensation. What is to be the result of placing us so undeservedly in this position of helplessness? Here is one illustration of it. I have a little farm of some 40 acres in extent, of which the present rent is £35; it has been in the occupation of the same family for two generations; the tenant's lease has expired; his buildings, which consist of the usual dwelling house and steadings, require renewing, if he is to have a new lease. He and his mother live there now, and they are hard-working and satisfactory tenants. He was most anxious to enter into a new agreement with me. The cost of the necessary buildings will be about £600, £250 for the house and say £350 for the rest; and all that would be lost to me, as I understand it, under this Bill. So that this deserving man had to be refused a renewed agreement, and his land must be otherwise disposed of. He went away from the estate office saying, "What is to become of the small folk if you won't give us buildings?" Rights of property till now have demanded, and have secured, voluntary action on the part of the landlord. So far from encouraging that voluntary action, this Bill takes away all such rights, and is going to inflict injuries on the owners far greater than any benefit which it will confer upon the tenants—one of the chief advantages, perhaps, of the Bill in the eyes of the present Government. I have said that fixity of tenure is to be given. What does that involve? Fixity of tenure does away with the landlord's rights to dispose of his property as he thinks best—that seems clear. Having let his land on certain agreed terms Parliament steps in and alters the bargain to one under quite new conditions—conditions binding throughout on the landlord, but terminable in any one year by the tenant. An owner wishing to appropriate a small holding must, first of all, satisfy the Land Court. I grant that the advantage of fixity of tenure to a good tenant is obvious; but who would be so foolish as to attempt to disturb one? A landlord is only too glad to have him; so that the good tenant does, in practice, have fixity of tenure. But it would be, I think, clearly absurd that we should be compelled to retain those bad tenants who, while keeping within the four corners of the law, violate the spirit of every condition under which they hold. The same sort of criticism applies to fair rent. Perhaps we shall be told that fair rent cuts both ways and affects both parties, and that the rent may be possibly, on occasion, raised. But in that most improbable event, all the tenant has to do is to give a year's notice, and then the landlord is bound to pay for all improvements; in other words, the landlord is obliged to accept the rent as fixed, but the tenant need not continue to pay it; and it is to be remembered that "fair rent" here means rent for the purpose of Scottish small agricultural holdings; and that for improvements for which the landlord has to pay no prior consent on his part is in future to be necessary. Who can deny that a form of tenure which confers on the landholder the right of perpetual occupation at a judicially fixed fair rent, the right of erecting buildings which are at his own disposal and under his own control during his tenancy, and the value of which he is entitled to recover from the landlord on leaving, exhibits all the essential characteristics of dual ownership, a system which has proved disastrous in Ireland and which has been emphatically condemned by Lord Onslow's Committee on Small Holdings, and of which that Committee reported as follows—

> "Experience has proved that a system of dual ownership of land is one which, under ordinary economic conditions, cannot be permanent and which, while it lasts, is fatal to the proper maintenance of holdings, to harmony between landlord and tenant, and to the prosperity of agriculture."

Of course this must be so, though these considered opinions seem to go for nothing with this Government. Dual ownership is bound to prove a fatal policy from the point of agricultural prosperity and progress. Fixity of tenure is of little value to a good tenant; but it places the dishonest tenant in a position of advantage, while depriving the landlord of all substantial security for up-keep of buildings, seeing that it deprives him both of the power of resumption and of the right to choose his tenant. The tenant may quit at any time on a year's notice, and may leave his holdings in such a disgraceful state and so injured by neglect that it represents to the landlord a far greater loss than any sum which he might recover in damages would be any compensation for.

Then, my Lords, what is to happen if the small holder fails? There will be, I fear, plenty of instances of this. Why, the owner is to be stopped from re-letting, except to a new small holder or for the enlargement of an existing holding; and, if he fails to do this, so far as I know, the land will lie waste. Nothing in the Bill will, I think, help to depreciate landed property and to alarm lenders without benefiting a single human soul more than the clauses relating to the provision of new and the enlargement of existing holdings. The provisions for compensation for loss of letting value and loss of land, on which, I think, the Lord Chancellor relies, are really valueless, because payments are to be in the discretion of the Land Court; and there is no firm guarantee whatever, as the funds at present available are obviously absurdly inadequate. Your Lordships will observe that no power of compulsory purchase is taken, but that for both old and new holdings a system called "compulsory" hiring is established, a system which I do not think I shall be stretching language too far if I describe as a clever and, as I think, none too honest system of taking property without paying the price. As Lord Balfour said last night, you deprive the owner of his rights and leave him all the risks; you transfer many of those rights to the tenant, and you relieve him of responsibility. And finally, realising, I suspect, that this scheme may after all prove a failure, you so devise it that future liabilities are not to fall upon you, or upon the State, but upon owners who are to be robbed and despoiled beforehand. Am I wrong? Then, why not compulsory purchase? That, on cause shown, we should all agree to. To say, as a Radical evening paper did the other day, that—

> "Peer after Peer, speaking of compulsory purchase, even when most carefully guarded and limited, speaks of it as an invasion of his private rights, as spoliation, confiscation, and highway robbery"

is simply unadulterated rubbish. For such objects as railway construction, municipal administration, and so on compulsory purchase must exist, and is often largely required. Yes, but not "compulsory hiring," with no firm guarantee of rent.

My Lords, this precious scheme is devised, I understand, to check rural depopulation. Certainly the Secretary for Scotland is obsessed with a grand ideal. Glowing pictures are drawn of crowds of ne'er-do-weels unemployed in the towns attaining at last their ardent desire for a plot of land of their own. Well, give a man a plot, and what is his first step? He has to build and equip, either with his own money or with borrowed money from the Land Court. How far will the public money go? The public money at present is about sufficient, at £600 per holding, for 100 holdings, or an average per county of four—four little miseries, dotted about the county! I fear it is useless to point out to this Government that, when all is said and done, the practical benefits to accrue will be out of all proportion to the injuries to be inflicted. No doubt it is an advantage to a small holder to be given what he now has not got, to receive money's worth which belongs to another, and to become the occupant of another man's property on a very reduced scale of rent for an unlimited time, and with opportunties in the meantime of taking all he can out of the soil and then throwing up the holding. But are those the sort of benefits which Parliament should encourage by legislation? In my part of Scotland I am clear that the only benefit a small holder is likely to derive from this Bill is a chance of further reductions of rent. But a reduction from the present moderate rents will be dearly bought when the time comes for renewing his buildings, clearing his barns, doing drainage, and all the other things which the landlord now does for him. Inferior buildings, too, are sure to result.

But the great question—I had almost called it the root question, but I forbear—in this case is, can small holdings pay? On this I should like to quote one of the greatest authorities on Scottish agriculture, a man whose name is a household word there—I mean Dr. Gillespie—but Lord Balfour last night quoted figures so very similar that perhaps he was speaking of the same instance. Dr. Gillespie takes a case of a holding of 48 acres at 15s. per acre, on which footing the tenant would have to pay in rent £36. He would then borrow £600 for equipment and buildings, which would cost him in interest £21, or a total of £57 in annual payment.

That works out at the rate of £1 3s. 9d. per acre. And then, supposing the tenent is able by diligence to make a living with a rent of 15s., Dr. Gillespie asks what chance he would have of doing so with a rent of £1 3s. 9d. besides upkeep. You have also to remember that horse-keep is a much greater item on a small farm than on a large one, and also that no labour-saving appliances are possible to the small holder. There is another result which the passing of this Bill would ensure—a result I regret very much—and that is, that I fear the landlords will cease to make any outlays on any of these holdings themselves. Why should they? They become mere rent-chargers at such rents as the Land Court fixes—rents fixed, if Ireland's example is to be followed, on no set principle, but without chart or compass. Will the probable reduction of rent mean more to those men than the loss of all the landlords' outlay?

I want to ask one question as to how the Bill affects agricultural labourers and large farmers. Except for the four small holdings per county, labourers without capital must remain outside the Bill. To whatever extent new small holdings are set up, ploughmen will be turned off the farm whence these small holdings are carved, and to that extent this Bill becomes a Ploughmen's Eviction Bill. It is calculated that every four or five small holdings created will mean the discharge of three ploughmen and their families. What is to happen to these sturdy fellows? One's pity goes out to them. Are they to migrate to the towns in search of new homes and new work to which they are not accustomed? And then, again, what of the farmers? Their prospects are not rosy. The Land Court, at their sweet will, may slice off small holdings from any farm, upsetting the farmer's rotation, and preventing him farming in the best-paying manner. With diminished acreage some of the landlord's buildings are not required, so his outlay on them becomes useless, and whilst on the one hand, not knowing how much land will be left him, the farmer will curtail his expenditure as his lease runs out, the owner on the other hand will hesitate to spend money on buildings which may become superfluous. So that, besides being a Ploughmen's Eviction Bill, I really think this Bill may become a Farmers' Disturbance Bill.

My Lords, these are some considerations—expressed, I fear, at unpardonable length—which I submit should give the Government pause in the legislation upon which they have embarked. But I entertain no foolish hope that they will do so. The present balance of Parties in another place is too favourable to a Government with so dull a sense of the laws of *meum* and *tuum* to allow anything to weigh when the business in hand is to sanction by legal enactment a scheme of confiscation or robbery outright. Cheered on their way by a majority elsewhere, which is largely ignorant of all questions of estate management and antagonistic to all landlords, they will press forward this Bill, and so it is to the House of Lords that not only Scottish landowners but the farmers farming their land and the labourers those farmers employ look to safeguard them from the disastrous effects of this most predatory Bill. My Lords, I support with all my energy the Amendment of my noble friend Lord Balfour.

THE EARL OF CAMPERDOWN: My Lords, just as the House was adjourning last night, the noble Marquess who leads the House gave utterance to one of those oracular statements which he sometimes makes, which puzzled even the simple and unsophisticated mind of Lord Rosebery, and puzzled, I believe, every other Member of the House, including the noble Lord himself. For on being asked what he meant he said that he did not know where he stood. My Lords, all he said was this. He said that after the statements which had been made by Lord Cawdor, the debate on the part of the Government would be for the rest of the time academic. I wonder what he meant by that. Did he mean that the Government were going to observe a policy of silence, or did he mean that the Government—if they are going to speak, and I am sure we all hope and trust that they will—are not going to address themselves to the points of importance in this Bill? If he means the latter, all I can say is that the debate, so far as the Government is concerned, began as academic, and will terminate as academic. In all those three speeches which have been made, beginning with that of the noble and learned Lord upon the Woolsack, no title of justification has been given for this Bill, no reason has been given for the introduction of such measures as Land Courts and Commissioners. You would have supposed, so far as they are concerned, that a Land Court and a set of Agricultural Commissioners were as familiar in Scottish estates management as such an institution as the sheriff. But whatever reasons there may have have been for bringing forward this Bill, up to the present time we have not been favoured with one of them. On the contrary, so far as we have had any reasons, they have been against the introduction of the Bill. The noble and learned Lord himself said that there were no evictions that he knew of—no capricious evictions. He had nothing to say against rent. He had nothing to say against the management of the estates. Might he not have gone on, and informed us why it is necessary under those circumstances to introduce changes which are more drastic even than those which have been proposed for Ireland? The noble and learned Lord was followed by Lord Tweedmouth. What did Lord Tweedmouth say? So far as I understood him, he does not altogether like this Bill. What he said was that he did not accept this Bill *verbatim et literatim.* My Lords, Latin quotations and Latin phrases are always rather obscure. I do not know what *verbatim et literatim* means any more than I do what the Bill means when it says that the choice of the landowner of a tenant is to be accepted by the Commissioners "*ceteris paribus.*" "*Verbatim et literatim!*" I wish the noble Lord had gone on to tell us, if there are things in the Bill which he dislikes, which are the things he likes. What is the principle of the Bill—for that, I suppose at all events he accepts? I suppose that if there is any principle in the Bill it will be fixity of tenure. Does the noble Lord like that? There is the institution of a Land Court. Does he like that? There is the institution of the Land Commission. Does he like that? As yet, he has not told us, and I do not know what these Amendments are that he says he is prepared to accept. We very often hear of Amendments which the other side are prepared to accept from your Lordships, but when one comes to examine them, they generally whittle them down into verbal changes and so on, and they expect that your Lordships are going to take up that dignified position which is destined for your Lordships by the Prime Minister—that you should merely ratify the decisions of the Government, making such verbal changes and alterations as they will be willing to accept. Then Lord Aberdeen spoke. He is the only other member of the Government who did speak, and it occurred to me that the Government must have been rather hard up when they asked Lord Aberdeen to speak. I am not altogether certain that Lord Aberdeen has not committed a constitutional irregularity. All I can say is that I am sure that we are always very glad indeed to see him, and to hear him speak, but at the same time—your Lordships will know better than I do—I do not remember any case in which the representative of His Majesty in Ireland came into this House and made a speech on a Government Bill. At all events, whether he did what was constitutionally irregular or not, he told us nothing. No one will say, I presume, that this Bill is not an important Bill. The Prime Minister, in that famous speech at Holborn which has been so much misunderstood in some particulars, said—

> "We are not extreme revolutionaries, but we do not shrink from formidable changes. We are not foes of property, but we are anxious to see property rightly apportioned."

As far as I can understand this Bill, it must be a Bill designed to carry out the view of seeing property more "rightly apportioned." And, my Lords, even if it is not an extreme revolution, I do not think any of your Lordships' will deny that it is at least a formidable change.

That being so, who is the author of this Bill? The Secretary for Scotland in another place seemed throughout the debates most anxious to avoid the exclusive paternity of the Bill. He said, I think, more than once, and he was supported by the Prime Minister—"This is not the Bill of the Scottish Office, but it is the Bill of the Cabinet." Well, I suppose every Bill of the Government is a Bill of the Cabinet, but I should like to know, for instance, are all the members of the Cabinet interested in this Bill? Do they approve of it? I should like very much indeed to hear the noble Earl the Secretary for the Colonies say that he approves of the Land Court, and of Commissioners, and so on, because I have so much faith in the good judgment of my noble friend that I am not altogether certain that such an expression on his part would not have some influence on my own opinion. He has not done it yet, but there is still time for him to get up and do so. So that we come to this, that at all events this Bill originates with the Scottish Office. The Scottish Office is not so modest that it will deny all share in the production of this Bill, I hope. Who, then, are the Scottish Office? As we know, in the Scottish Office there is no agricultural staff of any sort. The persons in the Scottish Office on whose opinions, I suppose, the Government rely are the Secretary for Scotland, the Lord Advocate, and the Solicitor-General. If we are to judge of the Scottish advisers of the Government from their speeches, all I can say is that they are in a state of the most deplorable ignorance with regard to the agricultural question. Lord Rosebery last night said a great many things about the Secretary for Scotland which were very true, every one of which I endorse, but none of which I propose to repeat to your Lordships. But I am going to say one or two things for myself. This is the opinion of the Secretary for Scotland of the relations between landlord and tenant. He said—

> "I can see no injustice in applying the crofter system to tenancies in which all the improvements have been made by the landlord. The landlord will get a fair rent for his holdings as they stand, and what landlord would want more?"

Now, my Lords, is that the opinion of the Secretary for Scotland as to the relations which exist between landlord and tenant? Because, if it be so, all I can say is that it is not merely that he does not know the A B C of the question but he is not capable of understanding it. Let me come to his advisers, the Lord Advocate and the Solicitor-General, who have taken up very much the same position. They regard the position of an agricultural landlord and tenant as they regard the position of a lawyer and his client. I hope I am not insulting anybody present, but as I understand the position of a lawyer it is this, that he does a certain definite service for his client. His client in return pays, or ought to pay, a certain fee. When the lawyer has done his service, and when the client has paid his fee, there the relation between them ceases. But, when an agricultural small holder or crofter has paid his rent, does his relationship with his landlord cease? I wish to heaven it did. What about whitewashings, what about improvements, and when a man comes to pay £5 or £6 for rent, what about all the various things he wants done? I wonder what the lawyer would say to him. I think I know, because I know that among the farming classes there is no set of managers whom they object to like lawyers, and a farming tenant has about the same affection for a lawyer manager as a dog has for a cat. Over and over again it has been said to me by tenants, "I would not have come to your estate if you had had a lawyer managing it," and yet that is the management which we are going to institute under this Bill. There is another part of the A B C of land management on which the Secretary for Scotland appears ignorant, as appears in the first clause of the Bill. He appears to think that a small holding is the same thing as the croft. It is hardly necessary to remark upon that in an assembly like this, where everybody knows the difference. It will be sufficient to say that a croft is a small holding containing a small part of arable land, and with some common grazing, and so on, in the Highland part of the country, and that a small holding under this Bill may mean fifty acres close to a town paying a rent perhaps of £2 or £3 an acre. And yet this Bill says that that latter tenancy is to be treated as if it were one of the former, and that all the rules which apply to the former ought to apply to the latter. You may make a crofter a small holder, but unless you wish to be guilty of the most utter absurdity you can never say that a small holder is a crofter.

Now, who approves of this Bill? Do the landowners? Do not let us say anything about them. As we know, the landowners all belong to the criminal classes, and if in addition a landowner happens to be a Member of your Lordships' House he deserves a double reward of punishment. So, my Lords, let us go to the farmers. Are the farmers in favour of this Bill? Why, some of the most Radical farmers in Scotland are protesting tooth and nail against it.

Sir Henry Campbell-Bannerman is aware of this, because he said to them when the Bill was being read a third time in another place—

> "I assure the farmers they need not be nervous; it is quite obvious that large, well-equipped, and highly-cultivated farms will not be touched, they will be the last selected."

Somebody asked why? and he said—

> "Because it would be undesirable." "At the other end of the scale," he went on, "no farmer with less than 150 acres can be touched. There will be a gradual application and ultimately we shall know how far it can be extended, but at first, and for many years, there can be no interference with any farmer interested."

Now, if so, what is going to be the effect of this Bill? But, do you think that the farmers of Scotland are to be gammoned with language of that sort? The sheep farmers have already pretty well proved that they are not going to be very quiet when their interests are touched. But do you think the large farmers want this Bill? It is quite patent it is the large farmers that will be touched, and if they are not touched then there is no use whatever in the Bill. So much for them. Now we come to the agricultural labourers. Are they in favour of the Bill? In the first place, have the agricultural labourers considered the Bill or had any opportunity of considering it? And in the second place, they are very much better off as they are. An agricultural labourer in Scotland—I think Lord Balfour said it last night, but at all events it is perfectly true — gets at least £1 a week, and in many cases more. Let him have a small holding of £50 a year. Will he make another rent out of that? And if he does, then he has the full risk of cultivating the croft and so on, whereas in the other case he receives his wages whenever he chooses. The real truth is that the agricultural labourer foresees that it is possible he may get a holding on terms which are not altogether economic. At all events, supposing the experiment is tried, it will not hurt him if a number of holdings are carved out of a big farm. He will look on, and it cannot do him any harm even if it does him no good. Therefore, he will look on and see what comes of it. Then take even the electors—are they in favour of the Bill? In the first place, do the electors know the plan? I think we had a great deal said about Glasgow and other towns of that sort. One of the only two bodies which have petitioned in favour of setting up a separate Department of Agriculture in Scotland is the Corporation of Glasgow. The Corporation of Glasgow had this right to do it—that it is the authority for administering the Contagious Diseases (Animals) Act in Glasgow. But that amount of knowledge is very great compared with the amount of knowledge which is possessed by most people in towns in these matters. What do they know about Land Courts and things of that kind, and what do they care? No, my Lords, what has attracted them is the orators, the politicians who have gone round the country talking about "back to the land" and generalities of that sort, and saying, "if you will only vote for these Bills and for this Government your slums will no longer be crowded" and other things of the same kind. But the only tangible meeting to which I have seen allusion made at which this Bill has been approved was a meeting at Perth. I hope your Lordships will excuse me if for a moment I go into the meeting at Perth. I cut this account out of a newspaper, it amused me so much. At Perth, on the 29th June, there was a meeting. This account is cut out of what is, I think, the only Radical newspaper—the *Dundee Advertiser*, and by the way I may remark that at this very meeting a speaker said that the Scottish Press had served them very badly in this matter. This was Mr. Ure. He said—

> "We have been badly served by the Press of Scotland in this matter, with one very conspicuous exception."

My Lords, you may imagine what must have been the blushes of the editor of the *Dundee Advertiser*, who was present on this occasion. At this meeting there were over 600 representatives of various constituencies in Scotland, and they had been whipped up, as it appears here, by the Scottish Liberal Association. The meeting was held in Perth, under the auspices of that association. Mind, my Lords, this is the "spontaneous ebullition of public feeling" on which the Government rely. There were twelve or fourteen—rather more—Members of Parliament present, who have all been occupied up here talking and voting in favour of the Bill. No doubt under great pressure they ran down to Scotland to be present at this very interesting meeting, and the Master of Elibank made a speech which I assure your Lordships would well repay reading, but which I will not inflict upon your Lordships. Anyone who likes to do so may see it afterwards. Then Sir Robert Pullar, the Member for Perth, was not able, owing to domestic bereavement, to be present, but he provided lunch—a most useful part—he gave lunch to the Liberal representatives, in the Salutation Hotel, I think, and to the Liberal women in the Temperance Hotel, which no doubt was a very good thing for them. This great public meeting took place, and it was addressed by Mr. Ure, the Solicitor-General for Scotland. I do not mean it in any offensive sense, but he is what I may call the paid advocate of this Bill. It was also addressed by Mr. Erskine, who is the private secretary, I believe, to the Secretary for Scotland, and who is also a Member of Parliament. These two gentlemen seem to have made speeches. But it is interesting to notice the people who were absent from this meeting, and the excuses that were sent. Generally speaking, the reading of excuses is a very tiresome ceremony, but on this occasion I should like to tell your Lordships who sent excuses. In the first place there was the Marquess of Breadalbane ; in the next there was Lord Tweedmouth. Of course, Lord Tweedmouth had something better to do, and could not have been expected to be present. Then there was Lord Haddo ; then there was the Right Hon. R. Farquharson, a very well-known Radical Member of Parliament. He sent his excuses, as also did Sir John Kinloch. Why, Sir John Kinloch was the Radical Member for East Perthshire for years, and voted for every measure, however extreme. It was a very strange thing that he should be absent on this occasion, at least it was not very strange that he should be absent, but it was very strange that besides, being absent, he should happen to be the owner of a deer forest, and your Lordships can easily see why he did not put in an appearance. However, I will not detain your Lordships any longer on that point. But if this is a meeting upon which the Government rely, if this is the "spontaneous ebullition of public feeling" in Scotland, I do not think they have got anything more to say down in Scotland than they have here in this House in favour of the Bill.

A word or so about this Land Court which is to be established. As I said before, no reason whatever has been given for establishing this Land Court. One would have supposed that a Land Court was as much a part of the every-day business of Scotland, as eating porridge used to be of the every-day life of its agricultural labourers. This Land Court which is to be established—what are its members? They are to be five uncrowned kings of Scotland. There is not a single appeal from them. They are to have the right to say how much land is to be taken, where it is to be taken, what rent is to be paid, and further than that, they are empowered to fix what relations are to exist between landlord and tenant. They are even more powerful than the Irish Land Commission, for I believe that even in Ireland, which we know is very much to be pitied, they are allowed at present some sort of appeal against the Land Commission. But in Scotland the sheriff is practically ordered to carry out whatever the Land Court has said, and is not allowed to inquire or to do anything else about it. All that has to be shown to him is that the Land Court have issued a ukase, and it is his business to see that that ukase has been executed. Now, who are these uncrowned kings to be? They are not named in the Bill. Are we going to commit ourselves absolutely and blindly to the guidance of the Secretary for Scotland in this matter? He says he has not thought of names yet. I dare say not. But I can tell him that as soon as ever this Bill passes Parliament—if that should unfortuately prove to be the case—he will have plenty of candidates ; there will be no dearth of candidates, and, as my noble friend said last night, speaking from some past experience, we know that the most impartial men, the very best men, will be selected, without any possible reference to anything else in the world except knowledge of agriculture of the management of agricultural estates. At Blairgowrie (and what called my attention to this was a Return which my noble friend the President of the Board of Agriculture was good enough to send me)—at Blairgowrie, which is close to the Prime Minister, and close also to the house occupied by the Secretary for Scotland, there is a very respectable and a very respected association occupied in growing raspberries. They have done very well indeed, and what they have done is this. Having prospered at Blairgowrie, they have taken the way which ordinary and honest Scotsmen do of going into Perthshire and buying at the market price two or three hundred more acres and they are going to grow raspberries there. I hope and trust that they will do very well. But these raspberry growers I have some reason for thinking—I live in that country—have had a very considerable influence upon the Secretary for Scotland, and I am not sure they have not also had a considerable influence upon the Prime Minister. I am not sure that these two worthy Ministers have not got raspberries on the brain. I am inclined to think that the Secretary for Scotland is under the idea that you may, by extending raspberry growing, sell raspberries to an unlimited extent. But we know very well what happens when the market gets glutted, and when things are over-produced, and I can only say that I hope that we are not going to give these small holdings upon any principle such as this.

Now, my Lords, let me go to Scottish Commissioners of Agriculture. The Bill proposes to set up a separate Department of Agriculture for Scotland. What are to be their position and duties? In the first place, let us take them so far as their duties in connection with small holdings are concerned. They are to manage all the existing small holdings, and all the future small holdings. There are 46,000 existing small holdings, and the number of the future small holdings is, of course, unknown. I should like to know, in the first place, how are they going to manage this. They are three men. Of course a vista of prosperity is opening for land surveyors, valuers, clerks, and people of that sort. Really, it is a sort of harvest for them. But what I want to know is, will these Commissioners, even with the aid of all these valuers and other people, and at unlimited expense, be able to manage at all? Because at the present time on any estate a small holder, when he wants something done, goes to the estate office. In future, he will have to go to these Commissioners. Now, if there is anything in this world that an agriculturist, whether big or small, dislikes, it is writing a letter. In the first place he will have to write to the Commissioners, then probably somebody will come and inquire, at an unknown cost, into the estate, and then he will have to write again, and probably in the last resort he will receive a point-blank refusal. Where will that small holder be as compared with his position now? He will be "in the cart." He will not get his improvement done, and it is perfectly absurd to say that any three men—I do not care how able they may be—can in any real sense be said to manage the small holdings in Scotland. As to the cost, I say nothing. Somebody suggested in the other House that it would be £100,000 a year. If it is to be done properly, it will be more. But still, the idea of the Secretary for Scotland is this—that he thought it could be done at a cost perhaps a little above that for the present Crofters Commission. I am only sorry for the Exchequer if that proposal is carried out.

The other part of the duties of these Commissioners is this. They are started as a separate Board of Agriculture for Scotland. My noble friend opposite (Lord Carrington) at the present time has got an English leg and a Scottish leg. I regret to say that under this Bill his colleague is going to cut his Scottish leg off. But he is not content with that, because I am sorry to say that he rubs powder and brimstone into the wound. This is the description of my noble friend's Department by the Secretary for Scotland in the other House the first day on the Report of the Bill. These are his reasons why he must supersede my noble friend opposite. Your Lordships will remember what a united and a harmonious family this is—

> "The least successful part of the Board of Agriculture's activities was, in Scottish opinion, that which is concerned in the administration of the Contagious Diseases (Animals) Act. The records of recent years show instance after instance in which the Board, not from want of zeal"—

surely nobody would accuse my noble friend of that

> —"but from inability to adapt themselves to the local conditions have failed to appreciate this or that branch of farming conditions in Scotland. In the past sufficient weight has not been given to Scottish opinion."

It is therefore quite evident that the Secretary for Scotland entertains a very poor opinion of my noble friend's abilities to cope with Scottish agriculture. I wonder whether he will display any more ability himself? You would naturally suppose from what I have read to you that Scottish opinion was going to be consulted under the present Act in the future. But not a bit of this. Listen to this—

> "That Scottish opinion which Gentleman opposite quote"—

that means the opinion of the Chamber of Agriculture, the Highlands Board of Agriculture, and every agricultural society in Scotland—

> "will centre round the Chamber of Agriculture and the Highlands Society, but the agitation of those bodies is an agitation of second thoughts."

I wonder what that means? You will observe, my Lords, that the farming opinion of Scotland my noble friend cannot take in, but the moment the farming opinion of Scotland declares itself, and declares itself against the Secretary for Scotland, then immediately farming opinion is not worth the paper it is written upon.

Now with regard to the effect of the Bill. In the first place what is to happen to existing holders? Every existing holder must come under this Bill, whether he will or whether he will not. He is not given any option of any kind or any sort. He may be pleased with his holding, pleased with his landlord. But this Bill says, "You are to become a tenant under the Act, and therefore that is what you have to do." Let me give your Lordships a concrete instance. It is a case within my own knowledge. A tenant of £8 occupies a holding. That tenant has been there—he and his forbears—for a long time. On that holding of £8, during the last ten years, the landlord has laid out £188. The tenant is perfectly content. As for saying that he is afraid of being removed, he and his predecessors have been there for hundreds of years, and he is perfectly confident that he will be able to remain. But what does this Bill do? It says: "Oh, no, we take you away from this estate management; we confer upon you fixity of tenure. If you do not know the benefits of that, you ought to know, and must be made to know, and therefore, in you come under this Bill." I wonder whether that tenant would like it. The next time he wants a gate, he has got to go through all this procedure, which I described just now, with the Commissioners. What about tenancies under voluntary contract? The noble and learned Lord upon the Woolsack made a great point about that. He said this Bill tends towards voluntary contract, and if I remember rightly, he said "I think—at all events I hope—that a great number of tenancies will be made by voluntary contract." My Lords, there are two kinds of voluntary contract. The one is the voluntary contract under this Bill. If a landlord and a tenant come in under the Bill, then that contract is only so far voluntary in that it must be subject to the main principles of the Bill subject to fixity of tenure and so on. The rent is alterable every seven years. But what about real voluntary contract? What about contracts made outside the Bill? Suppose that any of your Lordships make a contract with a tenant voluntarily and say: "Here you are; here is a lease of nineteen years; your rent is £40, and I will do the improvements and all the rest." There is not the slightest security that that contract will be kept, because at any time, if the tenant happens to change his mind, he has the power to apply to the Commissioners and to ask, after receiving all those benefits, that his holding may take its place under the Act. What about the tenure of the farmers? How much security will any farmer have who holds more than 150 acres? I should like that question to be answered. And even, if he is under lease, he has not the slightest security. The Government made a great point of this—the present leases which were in force in 1906 were not to be touched. Very well. But after that lease is terminated, why, you have done away with all the security of any new lease. That is what you have done under the Act. Any tenant who is farming a large farm with a great capital invested in it, a large quantity of stock, and all the rest—why, at any time these Commissioners may come down upon him and take any part of his farm, so long as they leave him 150 acres.

I am sorry to have detained your Lordships so long, but one word about dual ownership and I have done. I was very glad to hear the noble and learned Lord upon the Woolsack admit that dual ownership is created by this Bill.

The lawyers in another place have been fencing with this question. The Scottish law advisers—one or two of them, at all events—said there was no such thing as dual ownership created by this Bill—that nothing was taken away from the landlord except the right to evict a tenant capriciously. Although I was glad to hear my noble friend on the Woolsack admit that dual ownership was established by the Bill, I must confess I was sorry to hear the reason he gave for it. He said that purchase was prohibited by the Bill. And why was purchase prohibited? What was his reason? He said it was because the financial conditions were not such as to enable the Government to borrow a large sum of money with which to purchase land. Is that a reason worthy of the Government of this country? I should call it very mean. I do not know any other term that will express it. But this is what the Secretary for Scotland says about land purchase—

> "While the system of land purchase confers complete rights of ownership, with all its advantages, it is more costly for the State. A Government Department is a bad bargainer; it is expected to buy dear and sell cheap, and a Government Department in the position of a landlord is subject to political pressure."

How does he propose, then, to proceed? He takes it out of the pockets of the landlord. There is a well-known story of the Rev. Sydney Smith, who went to hear a charity sermon, and was asked afterwards how he was affected by it. "Oh," he said, "I was affected most deeply—so deeply, indeed, that when the plate came round I put my hand into the pocket of my next neighbour, and turned his pocket into the plate!" My Lords, it is exactly in that way that this Government is affected by their great desire for small holdings. They will not provide them themselves. "Oh, no," they say, "we will provide them out of the pockets of the landowners." And the Secretary for Scotland goes further, and puts forward an absurd plea that fixity of tenure involves no expropriation of the landlord. He says—

> "On the other hand, the system of tenancy is more modest, less drastic, and indeed more conservative; it involves no expropriation of the landlord; the landlord remains in possession of the holding."

Really, my Lords, does the Secretary for Scotland use those words seriously? It is almost impossible to believe it. Which is the owner of a holding? Is it the man who selects the tenant, who fixes the rent, who regulates all the conditions, without whose consent the holding cannot be vacated, without whose consent the holding cannot be re-let? Or is it on the other hand, the rent charger who receives such fair rent as these Commissioners, or this Land Court, may chose to award him? I think it is not necessary to say anything more on that subject.

I am afraid I have occupied your Lordships for a long time, but I end as I began, by begging the Government in self-defence—I might almost say in defence of the honour of their own Bill—to produce some justification, or some reason, for these sweeping conditions. Up to the present time not one word has been said, not one tittle of justification has been given, for instituting this Land Court, these Land Commissioners, and so on. It is not too late even now, and I should be greatly interested to hear some justification put forward of this abnormal course. All I can say is that if the Government do not give us any reason, then I shall believe it is because they do not believe in their own Bill, and because they do not know of any reason which will justify in any way the revolutionary proposal which they are making.

THE EARL OF ABERDEEN: With the indulgence of the House and the courtesy of the noble Duke who is just about to rise, may I be allowed to re-assure my noble friend upon one point in his speech, namely, where he spoke of what he considered a departure from constitutional usage in the fact that a Member of this House holding the office of Lord Lieutenant of Ireland has interposed in debate? I think I can find a precedent for that; I have one in mind at the present moment. Unless I am mistaken, Lord Cadogan, when he was Lord-Lieutenant of Ireland, took part at least on one occasion in a debate on this side of the water; and it is a curious coincidence also, according to my information, that a Member of your Lordships' House, who (I mention this as illustrating Lord Cadogan's sympathy of disposition and comprehensiveness of view) was his aide-de-camp, came over also and voted against his chief. I only wish to point out that, as far as I know, the Constitution has not been shaken by my having participated in the present debate.

THE EARL OF ROSEBERY: May I ask the noble Earl if the condition of Ireland was as grave as it is now at the time when Lord Cadogan came over?

THE EARL OF ABERDEEN: I quite understand to what the noble Earl alludes, and I am glad to say that at this moment there is a very much more reassuring condition of affairs prevailing.

THE DUKE OF MONTROSE: In the few remarks I shall make I hope your Lordships will understand that they apply entirely to the non-crofting area. I live on the borders of the Highlands and the Lowlands, amongst small landowners and crofters who up to now have never been affected by the Crofters Act; and I cannot ascertain that there is any wish amongst them to be brought within the purview of the Bill before your Lordships to-day. My experience also leads me to within a few miles of Glasgow, and I know very well—nobody knows better—the congested state of Glasgow, caused in great measure by the large industrial works which have arisen on the banks of the Clyde. Those works employ thousands of hands, who in the morning and evening are taken backwards and forwards from Glasgow to the works. There are schemes in progress by the owners of the works for building large tenements, which they hope will induce their employees to live in the vicinity of their businesses; and those tenements will relieve Glasgow of thousands of souls, and will do more to relieve the congestion of that city than all the Land Acts that were ever invented.

The Prime Minister clinched his arguments on the Report stage of this Bill in another place by stating that it was a Scottish Bill, and that it was urgently and absolutely needed and wished for in Scotland. I beg very respectfully to controvert that latter statement entirely; and I will venture to analyse for a moment some of the "support" which the Prime Minister's Bill is reputed to have received. One of the Members for Glasgow, who very frankly stated that he had never seen a croft in his life, supports this Bill because he says it is the first step in land nationalisation. That is not, I think, a very satisfactory argument. Another hon. Member says that he supports this Bill because he is in favour of a Land Court which can make regulation rents, so that when land purchase comes the land will be able to be bought more cheaply. That is not exactly an argument in favour of this agricultural Bill. The right hon. Gentleman the Secretary for Scotland himself, when advocating this Bill some time ago, said that it would relieve the landlords from an unproductive investment, and would cause the small land-holders to put their hands into their pockets. That does not seem to me to be a very valuable suggestion either in favour of this Bill. The hon. Member for the Leith Burghs, a most staunch supporter of the Government and one of the first agriculturists in Scotland, has opposed this Bill tooth and nail. The County Council of Renfrew, a county which is separated from the Highlands merely by the waters of the Clyde, and which contains the the environs of large towns, such as Renfrew, Paisley, and Greenock, has worked harder than perhaps than any other council to bring before the people the so-called advantages of small holdings. The result has been three applications, one from a photographer. The hon. Baronet who represents Renfrewshire in another place voted in Grand Committee in favour of Lord Helmsley's Amendment to restrict the application of the Crofters Act to the crofter arears. The hon. Baronet also absented himself from the final stages of the discussion and divisions on this Bill in the House of Commons. In Berwickshire, the most southern of our counties, the hon. Member who represents that constituency, I am credibly informed, has only attended the Grand Committee once since the 20th June. He has also absented himself from the final divisions in another place. That does not look to me as if he had got any mandate from his constituents to urge this Bill through your Lordships' House. I think I have shown your Lordships that at all events the desire for this Bill in Scotland is not general. But, supposing it was, I presume that the Crown lands of Scotland would have been the first to be included within the operation of this Bill. Up to the 31st July the Crown lands were not included within the operation of the Bill; and I do not think they would be included now, if it had not been for my hon. friend the Member for the Ayr Burghs, who brought forward an amendment to include Government lands because, he said, otherwise the landowner would be obliged to receive a tenant from the Agriculture Commissioners, whoever he was, and the Crown authorities would refuse any such responsibility. The right hon. Gentleman the Secretary for Scotland said that Crown lands had not been included because such land was administered by a Public Department, and was sufficiently under Parliamentary control. He at length agreed to accept the Amendment on the understanding that he would be at liberty, if he thought it necessary, to delete it on the Report stage. It may interest your Lordships to know why my hon. friend the Member for the Ayr Burghs brought forward this Amendment. It was because some time in May application was made by a responsible person, on behalf of ten or twelve others, for the terms on which the Crown would let them land close to the town of Stirling for an equivalent number of small holdings. The reply was received on the 1st of last month, and it was to the effect that the Department could not entertain the proposal, but that they would be quite prepared to treat with the county council as a responsible authority if they would become the Crown tenants. Now, my Lords, this is what your Lordships have begged for since this Bill was brought before you; this is what the Opposition in Grand Committee and on the floor of the House of Commons have begged for day by day. That is essentially what is in the English Land Bill. I do not think I am wrong in saying that this is a most astounding answer to send, under the circumstances. Amongst other things, I think that the individual who sent that reply was sailing very near that "blank refusal," about which we heard so much on a certain occasion. The fact is that the agricultural interests in Scotland have no confidence in this agrarian agitation of His Majesty's Government; and they have no confidence in the way that it has been treated in another place. Scottish people, as the noble Earl the head of the Board of Agriculture said last November, are long-headed and shrewd—they know the difference between a debate in this House and the Closure upstairs and downstairs of a Bill of this importance. They have not forgotten who last November forced the second sub-section of the first clause of the Agricultural Holdings Act through Parliament, which has caused such a tangle in sheep valuation, and which has roused the Highland farmer more than he was ever roused before. They have not forgotten who, in the dead of night and in the absence of the Secretary for Scotland, included Scotland under the Lights and Vehicles Bill, a Bill particularly obnoxious to the Scottish farmer, as must be known by every Member for an agricultural constituency who was heckled upon that question at the last general election.

My Lords, the agriculturists of Scotland depend upon you to safeguard their interests. I, yesterday, observed a letter from the Master of Elibank in which he said that unless your Lordships pass this Bill as it is presented to you, he is prepared with some others to go to Scotland and raise an opposition to your Lordships' House. Let him come! Let them all come! If he thinks he is going to set the heather on fire, he is making the greatest mistake he ever made in his life. The agriculturists of Scotland depend upon your Lordships to safeguard their interests. There are three things in this Bill to which they object: they object to the compulsory clauses of the Crofters Act applying throughout Scotland; they object to the Land Court; and they object to being separated from the Board of Agriculture for England. If your Lordships will pass any Bill which leaves out those three things, then you will have the co-operation of every agriculturist in Scotland. If you do not, I shall certainly follow my noble friend Lord Balfour, and do my utmost to have this Bill thrown out.

*THE PRESIDENT OF THE BOARD OF AGRICULTURE AND FISHERIES (Earl CARRINGTON): I must candidly confess that it is with very great reluctance that I rise to intervene in this debate. I hoped that it would not have been necessary for me to have said anything at all, and I regret that I have to speak on this occasion, and for this reason: next week, the English Land Bill will be introduced into your Lordships' House, and there is a very good proverb that every cobbler ought to stick to his last. I am afraid I shall have a great deal to say next week; and therefore, although I am very grateful for the invariable kindness and courtesy with which noble Lords opposite receive me, yet I feel on this occasion somewhat anxious not to intrude too much upon your Lordships' time and patience. Before I say anything on the Bill, perhaps I might be allowed to say one word on what fell from my noble friend Lord Kintore as regards the Viceroy of Ireland's Scottish estate. I think if my noble friend had been in the House last night he would not have made the remarks he did make, because the whole ground was covered by Lord Aberdeen last night when he told us that out of 900 holdings on the Haddo estate, only fifty were removed, most of them on account of the death of the occupants, and the others because they were small and uneconomic. The holdings of five and ten acres have been grouped together, and that I believe is also a proposal in the Bill, to make them more useful and more profitable. Lord Aberdeen also stated that the gentleman, whose name I do not know, who made the statement that was quoted by Lord Kintore, explained afterwards that he had never mentioned Lord Aberdeen at all, and that he spoke of the whole district in which the estate in question is situated. I hope that reiterated statement will convince noble Lords opposite, as I am certain it will Lord Kintore, of the true state of the case.

Last night, my Lords, Lord Balfour of Burleigh talked about the "conspiracy of silence" as regards this Bill. I am under correction, but I think he said that I individually had probably never seen it. Well, I happened to be one of the Sub-Committee of the Cabinet which was intrusted with looking through the Bill before it was submitted to the Cabinet as a whole; and I was present practically almost before this Bill saw the light, which was "born in ignorance, nurtured in obstinacy, and supported by class-hatred and political spite." My Lords, if that is true—it is strong language, I admit, but we must speak strongly sometimes—if that is true, the best thing and the real thing to do would be to put this unhealthy bantling out of the way at once. And, with great respect, I would submit to your Lordships whether it would not be better for noble Lords opposite to take their courage in both hands and kill the Bill openly at once; and not allow this unfortunate infant to be strangled in some mysterious manner by a misunderstanding, and by unnecessary panic.

The noble Earl (Lord Rosebery) last night called attention to the action of some independent gentlemen, who are called the Scottish correspondents of the Board of Agriculture; and perhaps I may be forgiven for one moment for saying just a word on that point. The noble Earl was perfectly right in what he said last night; he said that they spoke entirely "on their own hook," and that no request of any sort was ever sent from my office asking for their opinions at all. But there is a certain Mr. Constable, whom noble Lords opposite may know, the agent or, as he is called in Scotland, the factor of Mr. Maxwell Stuart. He sent out, entirely on his own responsibility, a circular on the question of whether or not there should be a separate Department of Agriculture in Scotland. His fellow correspondents sent back their answers; and, out of ninety-one, I think it was, there were seventy against the proposal, and three for it. That result was at once sent to Mr. Arthur Balfour; he was naturally very much gratified at the information, and his letter of gratification was read out publicly at a meeting on the 11th July of this year—this meeting of the correspondents. I read all this in the Press, but I only got an official intimation of what had been going on on July 19th, a little more than a week after this interesting meeting took place. I should like to say that the position of those gentlemen is entirely honorary, it is entirely irresponsible; they are not, and never were intended to be in any shape, form or kind, an advisory board to the President of the Board of Agriculture for Great Britain on questions of policy. They were a legacy which was left to me by my noble friend Lord Onslow; they were a *hereditas*—I am not fond of adjectives; and therefore I shall not use one—but they were a *hereditas* left to me by my noble friend Lord Onslow; and curiously enough most of those gentlemen are of the Conservative and

Unionist persuasion. That is a very curious coincidence; and I am perfectly certain that the Lord Chairman of Committees of this House had not the smallest idea of what their political principles were, any more than any lord-lieutenant of a midland county who promotes a large batch of most deserving gentlemen to the county bench, and then finds out, to his horror, amazement, and astonishment, that they are all of the Tory persuasion. Last night, as I sat at the corner of that bench, I thought there might be some difficulty if these irresponsible persons imagined, from the success of their meeting, that they, and not the elected Members of Parliament for Scotland, represented public opinion; and a thought came across my mind at that moment that they might go still further, and suggest and advise that the English Land Bill or some portion of it, might be made to apply to the country across the Tweed. And, as I thought that, I really trembled to think of what the language would be of the noble Lord, Lord Balfour of Burleigh, if such a proposal, a proposal so audacious and so anti-Scottish, should happen to be made. But at that very moment a bolt fell from the blue, and the identical proposal was made from the Front Opposition Bench by Lord Cawdor, the worthy bearer of one of the finest and most historical names of Scotland. Now I ask your Lordships' to consider for one moment, and to fancy what would have happened if his great ancestor, The Thane of Cawdor, had made an academic proposal to put half Macbeth's kingdom under the English agrarian laws. I think that without one moment's hesitation Lady Macbeth, who was of course much the better man of the two, would have had him bundled into his plaid and chopped into as many pieces as there were checks in his tartan. I should like really to ask the noble Lord two questions, to which he would perhaps be kind enough to give us upon this side of the Table an answer. I ask the noble Lord first, does he seriously expect that any large section of his fellow countrymen would support this amazing and, I hope I may be forgiven if I say, somewhat unpatriotic suggestion?

EARL CAWDOR: Yes, I am sure they would.

*EARL CARRINGTON: Then there is a second question I should like to ask the noble Earl. How is this going to be carried out? It seems to me that there is still a British House of Commons. It is sitting at this moment close by your Lordships' House, and I should most respectfully, and I hope without offence, like to ask the noble Earl how will the British House of Commons receive a proposal made by the House of Lords to charge the rates in the Scottish counties between the Grampians and the Tweed? I hope that there is no offence in that, but I should really like to have an answer on that point.

My Lords, I have but little more to say, but I may be allowed to say that I honestly believe that if this proposal to have a separate Board of Agriculture for Scotland and a separate Board of Agriculture for England, had been brought forward as a separate measure it would have been received with general if not universal—I do not want to put it too high, but it would have been received certainly with a great deal of acclamation, and I believe probably that the stoutest defence of that proposal would be found among noble Lords opposite. And for this reason, I shall not easily forget—I do not suppose I shall forget as long as ever I live—the scathing protest and the burning words of indignation which fell from my noble friend Lord Balfour of Burleigh last year, at my audacity in interfering in Scottish affairs in the Land Tenure Bill, nor the milder terms of reproach, the milder philippics, of Lord Camperdown, Lord Lovat, and other noble Scottish Peers the other day in connection with sheep stock valuations in Scotland. In fact the dressing-down I have had this afternoon by the noble Duke of Montrose shows me that, after all, my administration in Scotland does not give that entire satisfaction that one would have thought it might have given.

THE DUKE OF MONTROSE: I said nothing to affect the noble earl. I referred to the Crown lands of Scotland, which, I believe, are under the Woods and Forests Department.

*EARL CARRINGTON: I hope the noble Duke will do me the justice to say that he spoke of the heather that was set on fire.

THE DUKE OF MONTROSE: That had no reference whatever to the noble earl.

*EARL CARRINGTON I beg the noble Duke's pardon most humbly—I thought it had. As regards the Crown lands I am very much obliged to the noble Duke for having brought the matter before the House. I am afraid there is very little Crown land in Scotland, and of course the Balmoral estate, as everybody knows, belongs to the Sovereign personally. But I think the noble Duke has done a public service in bringing before the House the reply of the Commissioners in this instance. I will at once see my colleagues, Mr. Stafford Howard and Mr. Horner, and I am sure there must be some mistake in their portion of the Department, because I feel sure that they are as anxious and as willing as any noble Lord in this House to do all that they can in promoting small holdings and putting people on the land.

My Lords, I should like to ask what has converted noble Lords opposite. Why do they come down now to adore what they formerly tried to burn? Some people might think it was owing to the screams of the *Scotsman* newspaper, which has tried thought-reading, and pictured the most extraordinary dissensions in the Cabinet, the most extraordinary disagreements in the Government, and pictured my right hon. friend, Mr. Sinclair and myself in homeric and deadly conflict over the prostrate body of Scottish agriculture. But I dismiss that from my mind, because I know from forty years' experience that your Lordships' great characteristic is that you make up your minds for yourselves, and that you are the last people in England to take your ideas from any newspaper, however inaccurate or ill-informed that newspaper may happen to be. My Lords, what is the defence of the Bill? Why was my noble and learned friend on the Woolsack so fiercely attacked last night? What was his offence?

LORD BALFOUR OF BURLEIGH: Will the noble Lord say who attacked the Lord Chancellor?

*EARL CARRINGTON: I am sure that the Bill was not received with much favour.

LORD BALFOUR OF BURLEIGH: I am sure the noble Lord does not imply that an attack on the Bill carries with it an attack on the noble and learned Lord on the Woolsack.

*EARL CARRINGTON: I wish to imply nothing. If I have said anything to hurt anybody's feelings I withdraw at at once. I am bound to admit that in the course of criticisms my noble and learned friend's speech (although the critics were very friendly to himself) was to a certain extent rent and torn about. I do not think the Bill which the noble and learned Lord was defending was quite as acceptable to noble Lords as noble Lords opposite would try to make out. But what was his defence? He rested on the overwhelming—as I believe—opinion of Scotland as expressed by her own representatives, and surely, if Scotland is competent to look after the health of its human inhabitants, in all common sense why should she not be entrusted to do the same as regards her flocks and her herds? I most gratefully recognise the courtesy that I received from one and all during my visit over the border, but I say now what were the first words I said when I had the honour of going to Scotland—that I am perfectly ready and willing to hand over my responsibilty, such as it is, to those who necessarily are in a far better position than myself to judge of what are the needs of Scotland.

And now, my Lords, I have only one more word to say, and I hope that my last word will not cause any offence. I most respectfully submit to noble Lords opposite that they cannot possibly have it both ways, and I believe that noble Lords opposite were much more nearly right last year, when they were leading me the life of an early Christian on the Land Tenure Bill, than they are now in their hastily assumed protestations that the welfare of Scotland depends to a great extent on a mere Englishman and on his Department at 4, Whitehall Place, London. The Scottish Bill was brought in in the Commons' House of Parliament by the proper man, the Secretary for Scotland, and himself a Scotsman. It was supported by the great majority of the Liberal Members for that country. I believe I am perfectly accurate when I say there were fifty-eight Liberals who were in favour of the Bill, two against the Bill, and twelve Unionists who held the remnant of the seats that they held at the last general election.

Who brought in the Bill in this House? It was brought in by my noble and learned friend on the Woolsack—a Scotsman himself. It was brought in in a speech which the noble Earl opposite acknowledged in most generous words—words which were cheered, and deservedly cheered, from both sides of the House. He complimented my noble friend on the unique—I may probably be permitted to use the word—on the unique manner in which he brought in the Bill. A Scotsman brought it in in the House of Commons, backed up by the whole of the Scotch Members. A Scotsman has brought it in in your Lordships' House. That is good enough for me; and if Scotland, through her representatives, wants this Bill, I think it will be a very serious step to take if she is not permitted to have what she wants. Therefore it is, my Lords, that I shall most unhesitatingly, if we go to a division, give my vote in favour of the Scottish Small Holdings Bill. It has my support, for what little that is worth, and my heartiest good wishes and hopes that it will become law during the present session.

THE EARL OF ERROLL: The noble Lord who has just sat down has told us that this Bill was introduced in the House of Commons by a Scotsman. He has told us also that it was introduced into this House by a Scotsman. But the noble Lord forgot to tell us that its rejection, or rather, the Amendment equivalent to its rejection, was moved in the House of Commons by a Scotsman, Mr. Munro Ferguson, and was seconded by another Scotsman, Sir Edward Tennant. I think noble Lords on the other side of the House would call these two hon. Members of the other House good Liberals. I think they would also apply the same term to the noble Lord who sits on the cross-benches, Lord Rosebery. I do not see how the noble Lord can claim that all Scotsmen are in favour of this Bill.

I should like to say a few words as to the main objections to this Bill, though I must say that the ground has been so thoroughly covered by the exhaustive speech of the noble Lord, Lord Balfour, and the brilliant speech of Lord Rosebery that it leaves very little to be said, and I have no wish to reiterate the argument, as I believe it is proposed to end the debate as nearly as possible at seven o'clock. I think we are all agreed as to the evils of depopulation of the rural districts. We are anxious that a remedy should be found. But we do not want a quack remedy, and one that will have no appreciable effect in bringing the rural population back to the land. It seemed to me that the noble Lord who has just sat down gave the whole case away when he said that the tenants on Lord Aberdeen's estates had given up their holdings because they had found that they were uneconomic. My Lords, I think that includes almost our whole case. Depopulation of the rural districts is due, I think, to a good many causes. It is due to the spread of education, which makes our country youth discontented with their lot, and attracts them to the towns. Improved transit, cheap trains, bicycles, and so on, take them into the towns on Saturdays and Sundays, and when they come back, I think that they are liable to contrast the monotony of rural life with the hum and movement of the town. Then there is another cause—improved machinery. I remember a year or two ago, when on a farm I have in my own hands, I first bought a binder. I was told it would knock off five or six men during the harvest. Then, of course, there is emigration to Canada, which opens up a wider life to the energetic youth of the country. But we must not forget that the chief cause of depopulation in the country is the limited livelihood which can be got out of crofts and small farms. This is due, as your Lordships know, to the depression of agriculture, which is due in turn to bad seasons, foreign competition, and fall in prices. These are the real causes of the depopulation in the rural districts, and I do not see how this Bill is going to rectify them. In good years, I know, small holdings may be made to pay. The result in bad years to the small landholder who has no other means of support will be poverty, hardship, and very often bankruptcy.

I believe this Bill is a quack remedy—it is unjust to the landlord, and of doubtful value to the tenants. The present high state of farming in Scotland, which has evolved from a system of small holdings which existed in the eighteenth century, is due to the co-operation of landlord and tenant. The former gives it its first impetus by putting his capital into buildings and leaving the tenant his whole capital free for the equipment of his farm. Each one does his part, and the ground is thereby worked to the best advantage. They are mutually dependent on one another, and I believe that in their community of interests lies the bed-rock of successful agriculture. Now, my Lords, all this is to be changed, and a new and fantastic system is to be set up to replace it. The goodwill that exists between landlord and tenant is to be sacrificed to an idea. This system is to be controlled by a Land Court which has arbitrary powers, but no local knowledge. It will do things which the landlords themselves would have done very much better, and will have financial control without, as far as I can see, any financial responsibility. Why this power should not be left to the county councils in Scotland as in England I cannot understand. At all events, the county councils would have local knowledge which the gentlemen sitting in Edinburgh will not. It strikes me that this Bill deals not so much with land as with capital invested in land, and I think the arbitrary reversal of a system under which this capital has been invested is unjust and unfair. This Bill, instead of attracting fresh capital to agriculture, which is as necessary to agriculture as it is to industrial or commercial enterprise, will have the effect of driving capital away and encouraging its employment in more lucrative and less risky undertakings. No one will invest in land when he loses the control over it. It is obvious that the effect of this Bill will be to check the investment of owners' capital, and discourage the purchase of estates by men of means, willing to expend large sums of money in cottages and in putting up steadings, and in providing general employment on their estates. The justification for the Crofters Act was to secure to the crofters the possession of the capital created by themselves, and its application to small holdings is only justifiable where the capital invested has been invested by the occupiers and not by the owners. This Bill entirely destroys the free trade limit, and it introduces Protection, not against the foreigner, but against the neighbouring farmers.

The Earl of Erroll.

I should like to say one word on the demand for this measure in Scotland. Mr. Jesse Collings, who cannot be accused of want of sympathy with the working classes, described this Bill as rubbish. He further condemned it root and branch on Second Reading in the House of Commons. To show that there is no overwhelming opinion in favour of the Bill in Scotland, I will quote from the *Aberdeen Free Press*, a high-class Radical journal which consistently supports the Government in its general policy. This newspaper, in its issue of the 10th instant, says—

> "The proceedings in connection with this Bill in Grand Committee have been freely criticised as a farce on account of their consisting mainly of the forcing through of its provisions by means of the Closure and the guillotine with little or nothing in the way of genuine, open-minded, free discussion. But much the same may be said of the whole proceedings in connection with the Bill in the House of Commons; there has been very little real discussion of the measure from the beginning of the proceeding to the end."

The *Aberdeen Free Press* goes to say that it is notorious that on various points Liberal Members do not like the Bill and would gladly see it amended, and that the Highland Members are mostly of opinion that its operations should be limited to the crofter districts. Then follows a little advice to your Lordships, to read the Bill a Second Time, but to amend it in the direction stated, in which action it is declared your Lordships would have the approval of a large section of the general community. This, my Lords, is the opinion of the Radical paper in Aberdeen. I merely mention the matter to show that there is no overwhelming mass of opinion in favour of the Bill in Scotland, and I hope your Lordships will reject it on Second Reading.

LORD BLYTHSWOOD: My Lords, as the Duke of Montrose has referred to Renfrewshire, and as I belong to that county, I feel it my duty to state, in a few words, the feeling there among agriculturists towards this Bill. Being one of them I know their aspirations, and I also know that this Bill is looked upon with great aversion by them. They feel that the security which they have enjoyed under the present system for generations would be shaken to its foundations, and that in future all the work that they have put out on the land, all the reclamation that they have made, may be carried away at one fell swoop. They also feel sore at the fact that those who are to be planted on the farms from which they are to be evicted may not, and probably will not, know anything about agriculture. The Government are proposing to divorce from the land the very men who have made the land what it is. This would check the expenditure of capital and the improvement of the land. It has been the custom for hundreds of years in Scotland for landlords to supply the whole of the capital for permanent improvements. Who will perform those duties in the future under this Bill? The tenants put in their skill and the landlords put in their money, and between them they have fought bad times; and it is well known that the condition of agriculture in the north of Scotland is unsurpassed anywhere. You are going to remove fundamentally the very basis upon which these improvements have been made. You are going to set up a Land Court, which in Ireland has proved a curse to the country. You are going to make fixity of tenure where it is not wanted, because every tenant farmer knows perfectly well that, if he does his duty, there is no chance of his being turned out. I can assure you that in my own neighbourhood the holdings are occupied by the successors of tenants who have been on the estate hundreds of years. Will not these men have a burning sense of injustice if they are turned out of the homes in which they live, and in which they hope to die? For these reasons I shall vote with all my heart against this abominable Bill.

*THE MARQUESS OF LANSDOWNE: My Lords, the arguments which have been advanced against this unfortunate measure have been so numerous and so cogent that I do not think I need detain your Lordships long. I doubt whether any measure has ever been subjected to weightier destructive criticism than that contained in the two speeches delivered last night by my noble friend Lord Balfour and the noble Earl on the cross benches (Lord Rosebery).

I may be excused for saying that the arguments which have been advanced in support of the case put by the noble and learned Lord on the Woolsack have not been very numerous, nor, in our opinion, very conclusive. We have had this evening the advantage of listening to the noble Earl who presides over the Board of Agriculture, and who bestowed upon the House a liberal allowance, shall I say of that milk-blended butter of which he is such an artistic manipulator? But he will forgive us if we say that he did not appear to us to get very close to the real points which were before the House. The most distinct statement that I collected from him was that he had no objection to divest himself of part of his mantle and pass it on to the new Board at Edinburgh.

Yesterday we had the speech of my noble friend the First Lord of the Admiralty; of that I will only say that he appears to be one of those who believes that there is more faith in honest doubt than in the Government creed, and we should be glad to know a little more of the extent to which those doubts have carried him. Comment has already been made on the silence, still unbroken, of the noble Earl the Secretary of State for the Colonies, and there is another noble Lord, who usually conducts, with much modesty but also in a very efficient manner, the business of the Scottish Office, who has not contributed his quota to the discussion. So weak has the first line been that His Majesty's Government have apparently been compelled to call over their reserves from Dublin, and to produce his Excellency the Lord-Lieutenant, who has come here, no doubt full of his recent experience in Ireland, and ready to justify upon those experiences a proposal, I suppose I may say, to Hibernicise Scotland.

I have only one or two words to say with reference to the omissions from the arguments of noble Lords opposite. The principal omission seems to me to be that not one of them has attempted to bridge the remarkable gap in the argument of the noble and learned Lord on the Woolsack, who spoke very eloquently and with the feeling and conviction which characterise his speeches, upon the evils of overcrowding in the large cities of Scotland. I do earnestly trust that if we differ from him on this occasion he will not think that we are callous and indifferent to these great evils. I will go as far as to say this, that if I believed that by encouraging small holdings in Scotland or extending the crofter system on the lines proposed by this Bill, we could at once make a substantial beginning towards reducing the evils of overcrowding, I should be ready to swallow a great part of my principles and to regard this Bill with feelings very different from those which at the present time I entertain towards it.

But no attempt has been made to show that there is any real connection between this question of overcrowding and the state of the law with regard to crofters and small holdings in Scotland. No attempt has been made to show that the passing of this Bill would appreciably diminish the evils to which the noble and learned Lord referred. On the contrary, it has been shown to demonstration that these evils exist elsewhere, and that they are easily to be explained by circumstances which have been described to the House. The importance of this argument seems to me to lie in this—that before you attempt to undermine the present agricultural system in Scotland the onus lies upon you to show that what you are going to do is really likely to achieve the object you have in view. I use that expression "undermine" advisedly, because I believe that as surely as we stand here to-night so surely shall we, if we introduce the beginning of the Irish land system in Scotland, undermine and destroy the whole fabric of agricultural society in that country.

I dare say I shall be told that if this Bill became law we should only have the Irish tenure here and there and applicable to small and exceptionally-circumstanced patches of land. But I appeal to my friends who remember the history of our Irish legislation to say if at one time there was not the same hope that the exceptional legislation applied to Ireland would be limited and confined to certain areas and certain classes of cases. It was thought at one time that that legislation need only be applied to tenancies below a certain size; it was thought it might be restricted to the more congested portions of the country; at one time leaseholds were excluded; and I believe I am right in saying that even now there lurk somewhere or other provisions giving immunity to estates managed upon the English system. But all these limits and all these attempts at restricting the operations of our Irish legislation have proved innocuous, and what my noble friend on the cross benches called the "bacillus of the Irish land system" now pervades the whole body, weakening its power and paralysing its energies.

After all, there was to a certain extent a justification for this exceptional legislation in the case of Ireland. We were told, and not without truth, that a great part of the Irish tenants were small and helpless people, unable to make their own contracts, incapable of taking care of themselves. We were told, and not without truth, that it was the custom in Ireland for the tenant, and not the landlord, to make the improvements. We were told, also with truth, that in many parts of Ireland a custom of tenant right was already in existence. What we did in Ireland, or what we professed to do, was therefore to transfer legally to the cultivators of the soil something which was already morally and in fact theirs. That system was introduced, not because anybody thought it an ideal or desirable system, but because it was believed to be inevitable, considering the circumstances of the country.

Exactly the same justification, for what it was worth, was forthcoming in the case of the exceptional legislation dealing with the crofters in Scotland. The same, or analogous, conditions were known to prevail, and accordingly analogous legislation was passed by Parliament. And if you can show that ouside the areas now earmarked as crofting areas there are other areas within which the same conditions prevail, I am quite prepared to say, "Let us extend our exceptional legislation to those areas." But outside the crofter areas in Scotland, will anyone say that the conditions of agriculture approach in the least to the conditions which prevail in Ireland or which prevailed in the crofter areas? Nothing could be further from the truth. Who will say that the ordinary Scottish Lowland tenant is a helpless person, unfit to make his own contracts, or that the average Scottish landlord is a person who fails to make the necessary improvements upon his estate? I would venture to say that if there is any difference between Scotland outside the crofter areas and the rest of Great Britain, the difference is that in Scotland the relations of landlord and tenant are more contractual and more closely defined on conditions understood by each party, and acceptable to each party, than they are south of the River Tweed.

Then has this system, which I might call the British system, worked harshly or inequitably as against the tenants in Scotland? That has never been alleged in the course of this debate by any one of the noble Lords who have addressed us. The noble and learned Lord on the Woolsack, with that straightforwardness which never fails him, told us frankly that he made no such allegation. What he said was that, in his view, the question of fixity of tenure made all the difference between a man being prosperous or unprosperous. Is the noble and learned Lord quite sure that that is a general proposition that can be advanced? Every tenant in Ireland since 1881 has enjoyed fixity of tenure. What about the 8,000 applications from evicted tenants which are now engaging the attention of His Majesty's Ministers? Surely that alone is enough to show that fixity of tenure does not always bring prosperity and contentment in its train.

Have any grounds been alleged for thus differentiating between Great Britain south of the Tweed and the non-crofter districts of Scotland? Hitherto the same laws have applied to both. The same Act dealing with land tenure was made applicable to both. The law with regard to allotments and the law with regard to small holdings is practically the same. What, then, can you allege in support of the view that in this particular case you are to deal differently with people who are really occupying their land under precisely similar conditions? Does it not come to this, that you are going in Scotland to discard and put on one side a system which has been tried and which has stood the test, in favour of another system which has also been tried but has failed egregiously when the test was applied to it? The English system has stood the test of trial. When we cast our minds back to what we speak of as the "bad times" may we not say with some pride that unless our land system had been a sound one the owners and occupiers of land would never have emerged from that great trial as creditably and as successfully as they did?

But when you come to the Irish system, how many Acts has Parliament been called upon to pass since we first began our Rake's Progress in the year 1870? I sometimes blush for our reputation as legislators when I consider the number of intricate statutes, each endeavouring to patch up and tinker some flaw in its predecessor, in which we have found it necessary to embody the code of law under which the peasants of Ireland occupy their holdings. And have we not within the last few days had a crowning example of our ill-success in that monstrosity of legislation, the Evicted Tenants Bill, which now lies on the Table of the House? Again, consider the number of Committees and Commissions which have inquired into the Irish land system and the manner in which those Committees and Commissions have successively condemned it. I dwell for a moment on this point because it touches very closely one made by the noble and learned Lord on the Woolsack in his opening speech.

The Lord Chancellor told us not to be alarmed by this legislation, because he said it was the intention of the Government to appoint as Land Commissioners men absolutely fair, just, and impartial. My noble friends who are connected with Ireland will carry their minds back to a similar reassurance which was given to us in the year 1881. We were then told that the administration of the new law would be entrusted to men who had every claim to our confidence, and the names of the three original Commissioners, men of the highest positions, were printed in that Bill. Three years afterwards a Committee presided over by Lord Cairns examined into the administration of the Land Act. And this is what they had to report. They said that the duty of fixing rent had been assigned to the three Commissioners named in the Act, whose names and standing were stated to be a sufficient guarantee that the duties would be effectively and impartially discharged, but that duty was subsequently delegated to sub-Commissioners, a very numerous body, and that this delegation to sub-Commissioners was made before a single case had been heard in the first instance by the Commissioners themselves. So much for the security given by the original appointment in the

Act of these impartial men. The Committee went on—

> "No principles had been discovered, nor had those who practised in the Courts any conception of the nature of them."

That is not very encouraging as a precedent.

Then in 1898 a Royal Commission, presided over by Sir Edward Fry, dealt with the same question. They animadverted strongly upon the general dissatisfaction created in the minds of litigants, the enormous increase in the number of appeals, the intense suspicion with which the whole body of assistant Commissioners and Court valuers were regarded, especially those who held office for short periods, or were paid by the day, and were suspected of lowering rents so as to keep the machinery at work, and the evil wrought by the unrest which was generated by periodical settlements of rent under such conditions. The Commissioners made this remarkable observation:—

> "In such fashion is the solution attempted of one of the most arduous problems of distributive justice which has ever yet been raised."

That is the fashion in which apparently it is desired that the same problem should be dealt with in another part of the United Kingdom. If I wanted even more recent confirmation of what I have quoted, I should find it in the statement made the other day before Lord Dudley's Commission by Mr. Finucane. He described the present system as

> "one which leads to the deterioration of land, to the discouragement of improvements, and to perjury in the Courts and demoralisation of the worst character."

That is what you are asked to extend to another part of the United Kingdom. I may supplement these extracts with a little anecdote which I really think is instructive. Last week a distinguished foreigner, a high official of the French Government, paid a visit to your Lordships' House. He found himself in the gallery, and he asked the person with him what subject was being debated. He was told that it was the question of the Irish evicted tenants. He said—"Dear me, the last time I was in the gallery of the House of Lords—it was twenty-five years ago—the Peers were then discussing precisely the same subject," and he added—"I suppose they have been discussing it ever since."

I will not detain your Lordships by going at length into the manner in which this Bill will affect the different classes of the community who will feel its effects. Of the farming class I will only say one word by way of warning and entreaty. I do trust that your Lordships will not allow yourselves to be carried away by the idea that these small holdings are a panacea for all the ailments of the agricultural community. Small holdings, we who have had the experience of them know, succeed in certain places where you have exceptionally situated land, and perhaps an exceptional class of people to deal with it. But the idea that because, let us say, fruit cultivation succeeds in certain areas in Scotland you are going to make it succeed all over Scotland is a wild imagination. I know—and I am sure some of my Scottish friends are familiar with it—a district in the neighbourhood of the little town of Blairgowrie where you can drive for a great distance through luxurious plantations of strawberries and raspberries. But do you imagine that you could grow strawberries and raspberries all over Scotland? And if you could, what do you imagine would be the feelings and the fate of the unfortunate people who have at great cost and trouble built up this industry for themselves? You would find that the original cultivators would be the first to complain if you extended your experiment too far afield.

Then I will also venture this further word of warning. The more I consider the effect of this Bill the more I am convinced that the small holders whom you are going to create will find themselves in a position not altogether enviable. They will, to begin with, it seems to me, inevitably hold their land at a high rent, for this reason—you will have to add to the natural fair rent of the land a considerable sum by way of interest on the cost of the buildings and equipments with which the holdings will have to be provided; and unless you make room for that interest by unjustly cutting down the original rent due to the landlord, it follows that the small tenants will sit for a considerable number of years under a rent very considerably higher than that of their neighbours.

Then I am not at all sure that your small holder will greatly enjoy and appreciate the position in which he will find himself with regard to the authorities under whom he will hold his land. Scotsmen are very independent people, and I am not at all sure that the average Scottish tenant will greatly enjoy remaining *in statu pupillari* for an indefinite time, not allowed to deal freely with his holding, not possessing, on the one hand, the advantages of ownership, nor, on the other, the advantages which belong to a tenancy as we now understand it. To make the picture complete you must picture to yourselves that interminable vista of litigation, the septennial revision of rent lying ahead of the tenant, full of perplexity, disturbing his relations with his landlord, and making him, I should think, in many respects a very uncomfortable and unsettled sort of person.

As to the effect of the Bill upon the landlords, I should like to point out that one result cannot fail to be to discourage those landlords who are naturally favourable to small holdings from increasing the number of them. Many of us have long been believers in the system of what is sometimes spoken of as the graduation of holdings. I have always observed in these discussions that when anyone has suggested that there should be a sort of sliding scale of farms of different sizes, so that an enterprising labourer might have an opportunity of working his way up to the top of the scale, that sentiment has been loudly cheered. But is anything more likely to deter landowners from creating these small holdings than the knowledge that every one of them will be a little island in the middle of his estate upon which a system unlike anything he has hitherto been used to will prevail ?

I do not think we can shut our eyes to the fact that so far as this Bill is allowed to apply, to that extent it will purely and simply confiscate part of the landlord's property. Throughout these debates we constantly come upon expressions of this kind used by the promoters of this legislation. We are told that nothing is taken from the landlord under the Bill ; that in no case does he stand to lose. I agree with my noble friend Lord Camperdown. I think these sayings betray what I can only describe as the unfathomable ignorance of many people with regard to the question of land ownership and land tenure. What is it that makes ownership of land attractive ? It is surely not to be recommended as an investment. I do not know that any investment has turned out more disastrously. Most of the large proprietors if they now had in their pockets the sums which have been spent from time to time in the improvement of their estates, would be rich beyond the dreams of avarice. Surely what gives reality to ownership, what makes it a valuable and precious thing to many people, is that we have hitherto associated with it the power of guiding the destinies of the estate, of superintending its development and improvement, and, above all things, the right to select the persons to be associated with the proprietor in the cultivation of the soil. That is to my mind the true relation between landlords and tenants as we know them in this country. They are partners ready to stand and fall together, and to submit to sacrifices, one for the sake of the other.

But try to conceive to yourselves any other kind of partnership—a business partnership in which the senior partner owns four-fifths of the capital, and the junior partner one-fifth. That is, I believe, about the proportion which represents the interests of the landlord and the tenant on an English-managed estate. Then imagine that the Legislature comes in and says to the senior partner, "We condemn you to keep your partner whether you like him or not. You are to keep him upon terms which somebody else fixes for you, on no previously known or ascertained principle. Moreover, your partner is to be in such a position that he may, if he pleases, leave you in the lurch at any moment, although you cannot get rid of him. And, finally, he is to be allowed to conduct the business virtually on the lines that he pleases."

Now all that is the negation of ownership, and if you impose conditions of that kind on the ownership of land in these islands you confiscate part of the landlord's property every whit as effectually as if you were to come to him and say, "You must give me up two acres out of every five you possess in order that I may do with it exactly as I please." If noble Lords opposite challenge the accuracy of that statement, I say let them go to any experienced land valuer and ask him what would be the difference in value of the same number of acres, on the one hand subject to these new conditions, and on the other hand owned as landowners have hitherto been accustomed to own their estates. Or if you like to try it in a different way, go to any firm of solicitors—I care not where they are—and ask whether they think that a mortgage would be as well secured on the one class of estate as on the other. I have absolutely no doubt as to the reply you would receive.

There is another class of the community, and an important one, which has to be considered. I mean the taxpayers of this country. Is this Bill going to be a very good bargain for them? To begin with, there is a little account of £65,000 a year; then there are all the expenses of the Land Court and of the Agricultural Commissioners, and in addition to that the claims for compensation to the landlord when, in order to further the purposes of this Bill, you take slices out of the larger holdings in order to manufacture smaller ones. Besides all that there is in the background—and I do not think we ought to forget it—a larger and remoter claim which may become extremely formidable—I mean the claim which will arise should this experiment be tried on a large scale and fail to a considerable extent. Many of us have had personal experience of cases where for a few years, particularly if old pasture had been broken up for an experiment of this kind, everything at first went well. Luxuriant crops, the produce of the carefully husbanded and stored-up fertility of the soil are gathered. The soil becomes exhausted; the cultivator cares no longer to go on with the cultivation, and the land is thrown back on somebody, exhausted and almost worthless. The Prime Minister has stated that in that case the loss is to fall upon the State, and I trust that people will remember that that is a liability—perhaps not an immediate liability, but a liability—which has to be taken into account. I will not dwell upon the case of the ratepayers, because that was treated exhaustively by my noble friend Lord Balfour of Burleigh, but the case of the Scottish ratepayers certainly is one which has to be taken into consideration.

Then, my Lords, there is another class of the community which is likely to be affected by this Bill. Many of the farmers of the United Kingdom, not only of Scotland, regard with profound alarm the proposal to take away from the Board of Agriculture the power which that Board now enjoys of dealing with the question of the contagious diseases of animals. I have received from many parts of the country letters expressing the deepest concern at the idea of this transference, and that, I think, is also one of the new liabilities which this Bill brings into existence. I will not at this hour of the evening enter into other points; but I will express my hope that when the noble Marquess rises he will endeavour to deal with some, at any rate, of the arguments which have been used from this side of the House, and which, in our view, have not yet received any adequate reply.

But before I sit down I wish to say one word as to our views on the manner in which the Bill should be dealt with this evening. This Bill is a composite measure. It contains some provisions which seem to us not undesirable. It contains others to which nothing will induce us to assent. To the proposal to establish in Scotland a Land Court on the Irish model we shall offer the most uncompromising opposition. To the further extension of small holdings in Scotland we are entirely favourable, and we are quite ready to join with His Majesty's Government in doing for Scotland whatever we are going to do for England in regard to small holdings. Thirdly, we have no feeling of hostility whatever towards the Crofters Acts, and if, as I believe is the case, these Acts stand in need of amendment on certain points, we are ready to consider those amendments with a perfectly open mind, and with the desire to make the crofter legislation as complete as those who believe in it can desire. I may refer to the instructive speech delivered last night by my noble friend Lord Lovat, who mentioned four points in regard to which he thought the Crofters Acts stood in need of extension.

How can we best set to work to give effect to the policy which I have just endeavoured to describe? I wish that even now we could expect from His Majesty's Government some help in giving effect to a policy which, no doubt, is not identical with theirs, but which no one can deny would go very far towards arriving at the objects which they themselves have in view; but I am not greatly encouraged by what little I know of the attitude of noble Lords on the Front Bench opposite; and I am afraid that we must endeavour to do for ourselves what we can in order to give effect to the views which I have expressed.

Therefore, I venture with great respect to suggest to your Lordships that we should ask Lord Balfour of Burleigh not to press his Resolution to a division this evening. If it were carried it would obviously put it entirely out of our power to do anything more for Scotland this year. It would put it out of our power to do anything in the direction of small holdings or in the direction of the amendment of the Crofters Acts. I venture accordingly to suggest that we should adjourn further consideration of this Bill until we have had before us the English Small Holdings Bill. When that Bill has been discussed and disposed of, I recommend that we should resume the consideration of the Scottish Bill, and that we should add to it clauses dealing with small holdings, *mutatis mutandis*, on the same lines as those on which the question of small holdings is dealt with in the English Bill. Further, I would propose that we should amend the Scottish Bill by adding to it some Amendments as to crofters which we believe to be necessary.

Lastly, when that moment comes, I hope your Lordships will expunge root and branch the whole of the provisions designed to substitute for the time-honoured agricultural system which we have known so long both in England and in Scotland, which has worked so well, which has brought about such excellent cultivation of the soil and such good relations between those who own it and those who occupy it, a system of which we have had such bitter experience in Ireland—a system the fruit of which has poisoned the life and distracted the whole agricultural community of that unfortunate country. I move the adjournment of the debate.

Moved, "That the debate be now adjourned."—(*The Marquess of Lansdowne.*)

THE LORD PRIVY SEAL (The Marquess of RIPON): My Lords, I rise to speak to the Motion for the adjournment. I desire to reserve what I have to say till the Bill reaches a stage at which it can be concluded. If the debate is adjourned that conclusion cannot be arrived at to-night. I believe the course the noble Marquess proposes to take is one altogether unprecedented. He proposes to move the adjournment of the debate *sine die* in order that he may wait to see what course your Lordships would desire to take with respect to the English Bill, which will probably arrive in this House to-morrow. The noble Marquess and others in this House, particularly my noble friend Lord Newton, seemed to be very displeased with me, because on another occasion I could not prophesy what the course was that this House was likely to take. The last thing I would have prophesied is the course the noble Marquess has taken to-night. I was, therefore, quite right in not being rash in committing myself to anything. I say the course proposed is wholly unprecedented. You want to hang up the Second Reading of this Bill until it suits you to take it up again. You want to deal with the English Bill first and then deal with this Bill. To that proposal the Government can be no party. We will be no party to delaying or postponing this question in that way. If you like to read this Bill a second time the postponement of the fixing of a date for the Committee is one thing; but if you propose to leave us under the shadow either of the hostile Motion of Lord Balfour or in doubt when it may please you to finish the debate, then I say that that position of uncertainty is an unprecedented and an intolerable position. No doubt we are in a minority—an insignificant minority—in this House, but that is no reason why we should be treated in a manner for which there is not, I believe, to be found in the history of Parliament any precedent whatever. This Bill belongs to us; it is our Bill, and it is for us to say, subject, of course to the approval of the House, when it should be proceeded with. I will be no party, nor will my friends behind me, to this proposal to adjourn the debate, leaving the Second Reading of the Bill hanging over to some future period, when it may suit the convenience of noble Lords opposite to bring it forward again, if that period should ever arrive. I therefore feel it my duty to give my strongest opposition to the proposal to adjourn this debate at the present moment.

THE EARL OF ROSEBERY: My Lords, I should like to say a word on the question of adjournment. I have heard no valid reason against the course proposed to be adopted, except that it is said to be unprecedented. I did not know that the Liberal Party were slaves to precedent; indeed I rather thought they prided themselves upon emancipation from precedent, and so far as this Bill is concerned, emancipation from precedent is one of its principal features. I do not conceive there is any adequate reason for not doing as is proposed. We want to have the whole land policy of His Majesty's Government before us at the same time. The noble Marquess wishes us to deal with it in instalments, but when you bring in land measures affecting the whole island it is not usual to proceed by instalments. I do not go on precedent; I follow common sense and desire to know what is to be the policy of the Government north and south of the Tweed before we give sanction to the Second Reading of this Bill.

LORD BALFOUR OF BURLEIGH: My Lords, the noble Earl and the noble Marquess have expressed the sentiments I desire to express in the words I would have chosen had I the ability to do so. But as I am responsible for the form the debate has taken in consequence of the Motion which I placed on the Paper, it might be hardly courteous to the House if I did not say a word or two on the question of the adjournment.

The noble Marquess opposite says the proposal is unprecedented and intolerable. I have heard it said that if there is no precedent and the case is a good one, the sooner you make a precedent the better. The proposal would have been intolerable if it had been intended to increase the difficulty of the situation and the friction, so far as any friction has arisen. The proposal is not for that purpose, but is made in the hope, faint though it may be, but in the genuine hope, that by its means, even at the eleventh hour, we who honestly profess to be as much in favour of small holdings as noble Lords opposite may find a means of co-operation.

To two main points in the Bill I strongly object—the indiscriminate extension of the crofter system and the introduction of a Land Court into Scotland with the evil of divided ownership. If these things were inevitable principles of the Bill, if they were inevitable things to face before you could have a system of small holdings increased or encouraged, then there might be something in the position of noble Lords opposite. But I believe they are not necessary, and I personally think they are a greater disadvantage, a greater danger, than any possible postponement of an increase of small holdings for a short time.

So far as I am concerned, and speaking only for myself, I cannot purchase peace on this matter by the introduction of these two things into the land system of Scotland, whatever misrepresentation I and the House may be subjected to. I believe they are not inevitable incidents to the increase of small holdings, and my fear is that if we consent to the Second Reading of the Bill before we are able to make up our minds whether or not with the consent of the Government we can eliminate these two things from the Bill, we shall be running the risk of being charged, as we are often falsely charged, with accepting principles which are in a Bill by giving a Second Reading when we do not mean to accept those principles. I hope that by argument, in a few days, by meeting, if necessary, we may find a way out of the difficulty. If that is impossible, then with a clear conscience I hope the Bill will go to its inevitable fate; but I desire to do anything that is possible to avoid that result, and in that earnest hope I most cordially consent to the proposal to adjourn the debate.

THE FIRST LORD OF THE ADMIRALTY (Lord TWEEDMOUTH): My Lords, the words we have heard from noble Lords opposite have been brave words, but the action that the Opposition intend to take is one full of irresolution. The words they have used not only justify, but would require, a Motion for the rejection of the Bill on Second Reading. That was the proper course for His

Majesty's Opposition to take. It is absolutely impossible that we can accept the Motion for adjournment.

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Courtney of Penwith, L.
Denman, L. [*Teller.*]
Elgin, L. (*E. Elgin and Kincardine.*)
Eversley, L.
Farrer, L.
Fitzmaurice, L.
Glantawe, L.
Granard, L. (*E. Granard.*) [*Teller.*]
Hamilton of Dalzell, L.
Headley, L.
Hemphill, L.
Herschell, L.
Lucas, L.
Lyveden, L.
Nunburnholme, L.
O'Hagan, L.
Pirrie, L.
Sandhurst, L.
Saye and Sele, L.
Stanley of Alderley, L.
Swaythling, L.
Tweedmouth, L.
Weardale, L.
Welby, L.

Debate adjourned accordingly *sine die.*

MERCHANT SHIPPING (TONNAGE DEDUCTION FOR PROPELLING POWER) BILL.

[SECOND READING.]

Order of the Day for the Second Reading read.

*THE EARL OF GRANARD: My Lords, the object of the Bill, which I have to ask your Lordships to read a second time to-night, is to amend Section 78 of the Merchant Shipping Act, 1894, with respect to the deduction of the space occupied by propelling power in ascertaining the tonnage of a ship. The Bill provides that the deduction shall not in any case exceed 55 per cent. of that portion of the tonnage of the ship which remains after deducting from the gross tonnage any deductions allowed under Section 79 of the principal Act.

The subject of tonnage is one of the most difficult to master. This Bill is the outcome of a conference between most of the shipping interests and a great many of the dockowners. When the conference first started the shipowners were anxious that the deduction should be fixed at not exceeding 70 per cent. of the gross and the dockowners 35 per cent. Your Lordships will readily understand that in view of that enormous difference in the two figures it was very hard to arrive at a compromise. Our own advisers suggested 60 per cent., but after a great deal of discussion at the Conference we managed to arrive at the figure of 55 per cent. Your Lordships are probably aware that there has been in the past a great deal of hardship to certain dockowners owing to the enormous deductions from tonnage made for propelling space by a certain class of vessels, such as the big passenger boats. I know of one case where a vessel of 1,800 tons only pays dock dues on something like 200 or 300 tons. In fact, some of these vessels only pay dock dues on from 20 to 30 per cent. of their gross tonnage. This Bill will bring passenger vessels up to a certain standard of dock charges, and in future the amount of dues payable on these vessels will approximate to nearly 42 per cent. of their gross tonnage.

In the case of dead-weight ships there will not be an enormous amount of relief under this Bill. The Bill has been very carefully considered before a Select Committee of the House of Commons and they have reported in its favour. I may mention that most of the shipping interests in this country are in favour of the Bill. Their argument is that they want finality in regard to this subject, and that is what we propose to give them by this Bill. We do not for one moment expect that a Bill like this will remedy every grievance; it is very difficult to secure legislation which will have that effect. But if the Motion standing on the Paper in the name of my noble friend Lord Plymouth, to refer the Bill to a Select Committee, is carried, the effect would be to kill the Bill, and that would be regarded as a very serious loss by the great shipping interests in this country and also by the majority of dockowners. In these circumstances I venture to hope that your Lordships will accord the Bill a Second Reading. I beg to move.

Moved. "That the Bill be now read 2^{a}."—(*The Earl of Granard.*)

*THE EARL OF PLYMOUTH, who had given notice, in the event of the Bill being read a second time, to move that it be referred to a Select Committee, said: My Lords, I think it would be convenient at this stage if I explained to the House the reasons which induced me to put down the Motion which stands in my name. First of all, I ought to make it perfectly clear to the House that I am speaking entirely as a private Member. I do not know whether my noble friend behind me (the Marquess of Salisbury) will agree with my views or not, but I wish to make it clear that I am speaking now as one interested in docks and in the trade of South Wales. The noble Earl who has just moved the Second Reading of this Bill has told us that the terms of the Bill were arrived at after a great deal of consultation with others, and that it is a compromise. Well, my Lords, if I am one of the disputing parties I am not at all averse in a general way to a compromise for getting over difficulties so long as I am included in it; but when a compromise is made with other parties in the dispute, and when one unfortunate interest is, as I think I can show, left out in the cold, the value of that compromise is, in my opinion, very much reduced.

I must ask the House to allow me to explain what has been the history of this Bill. This question was raised last year in the Merchant Shipping Bill introduced by the Government, and Mr. Brace, the Member for South Glamorgan, moved an Amendment dealing with this question of tonnage. The President of the Board of Trade replied that it was too late to introduce the question of tonnage into the Merchant Shipping Bill, and the Amendment was not pressed. Mr. Brace based his case for dealing with this question on the South Wales conditions, and I emphasize this point because I have been told that the President of the Board of Trade, in what he said in that debate in answer to Mr. Brace, had not the South Wales trade in his mind, but was dealing with the general question and was not particularly affected by the South Wales case. But I must point out that Mr. Brace undoubtedly based the whole of his case on the conditions in South Wales. He only mentioned two particular harbours, and these were both South Wales harbours. He referred to the conditions at Penarth docks, and, in dealing with the case of the pilots and the way in which they suffer also from a diminution of registered tonnage, he spoke of the evidence of the secretary of the Cardiff Pilotage Board, and I maintain that the whole of Mr. Brace's case was really based on the conditions in South Wales.

After quoting some statistics Mr. Brace said—

> "He used these figures to show that the time had come when, the Board of Trade having failed to deal with the question, the House of Commons, when making a new Shipping Act, must include a clause which should put an end to these disastrous deductions in dock dues."

Mr. Lloyd-George, in reply, said he sympathised with the hon. Member and with the object of his Amendment; but his difficulty was that it was rather too late to transform the Bill into a Tonnage Bill. He said they could not on the Report Stage spring up and say they wanted to make this a Tonnage Bill. But he admitted that there was a very strong case made out for the consideration of the whole question of tonnage; in fact, he added that the case made out by Mr. Brace was absolutely irresistible. Whatever the President of the Board of Trade had in his mind, it was perfectly natural that the dockowners of South Wales should consider that the reply he gave justified Mr. Brace in bringing their case before Parliament. In withdrawing his Amendment Mr. Brace said he did so—

> "after the explanation of the President of the Board of Trade and his undertaking that if the dock and harbour authorities brought in a Bill to remedy this grievance the Board would support it."

To this Mr. Lloyd-George retorted—

> "Support the reference to the Committee."

It was understood that the President of the Board of Trade would support the reference of Private Bills to a Committee upstairs. This took place last year. In consequence of this promise five Private Bills were introduced into Parliament this year from South Wales. Then there were conferences held to which the noble Earl in charge of the Bill has referred. At one conference Mr. Lloyd-George stated that this was a very important question and too important to be dealt with by Private Bills; he added that he would bring in a Government Bill, and promised that if the dock companies would withdraw their Bills the Government Bill should be referred to a Committee upstairs at which they would have full opportunity of appearing by counsel and stating their case. This was the definite pledge on the faith of which the Bills were withdrawn. Well, the Government Bill was introduced, and in it was a maximum of 60 per cent. to be deducted for propelling space, which is equal to a minimum registered tonnage of even less than 40 per cent. It would, in fact, have reduced the registered tonnage on which the dues were paid; but, as the noble Earl has pointed out, after the discussion of the whole question, this was reduced to 55 per cent. and that is the compromise which has been alluded to. But, my Lords, in this compromise the South Wales docks were left out altogether.

After what occurred on the Merchant Shipping Bill last year, and the answer that was given to Mr. Brace, it is, in our opinion, excessively hard that this compromise should be made with other dockowners and with the shipowners, and that the South Wales docks should be told that it was impossible to meet their case, and that they must be content with what others agreed to. Mr. Lloyd-George declined to allow this question of 55 per cent. to be re-opened, and he practically precluded our coming to Parliament and asking to be in any way relieved under the special circumstances. It is true that this Bill went to a hybrid Committee in the other House, but the case, as I say, was pre-judged, and counsel who appeared for the docks in South Wales were not allowed to open this question, being told that the door was absolutely shut, and that the Committee could not consider the question of altering the percentage on tonnage which Mr. Lloyd-George had fixed.

Then, my Lords, we are told that the Bill will not do us any harm in South Wales. I noticed in *The Times* to-day what is evidently an inspired paragraph —inspired by a Memorandum issued by the shipowners—in which the case is put thus—

> "It is submitted that, inasmuch as the few dock authorities who consider that the Bill does not afford them relief will be placed in no worse position by its enactment, these dock authorities, on whose behalf Lord Plymouth is believed to be acting, should not be allowed to imperil the passing of a measure 'which does not affect them injuriously, and has been accepted by the great majority of the parties concerned.'"

I must say we do not consider that that is the case. We most certainly consider that our interests are injuriously affected by this Bill. In the first place, we are told that we can never hope to get an alteration in the minimum percentage on gross tonnage; and, in the second place, we say the Bill will tend to make shipowners build ships down to the minimum, which is much lower than our present average. May I put it in this way, that the 35 per cent. that we asked for as the maximum of deductions would give us, on the average, 60 per cent. on the gross, and from 61 to 63 per cent. is about the average in the case of the dock companies in South Wales. The 55 per cent. which is now the compromise, and which is offered by the Government, reduces this, as the noble Earl has told us, to 42 per cent. on the gross. As a matter of fact, some dock companies in South Wales have private Acts which enable them to charge 40 per cent. as a minimum; but the whole point of Mr. Brace's case and the whole point of our case is that the average now is 61 to 63 per cent., and that we get absolutely no relief whatever, but as I think I have shown, are in a worse position than before.

I do not wish to go into details more than I can help; but Sir Fortescue Flannery and Mr. Seaton both gave evidence before the Committee on Shipbuilding, and stated in the strongest terms that they saw no reason whatever why these diminutions should not continue, and why naval architects should not continue to build ships so that they obtain the maximum amount of deductions and arrive at the minimum registered tonnage. I do not say this applies to all ships; but for years past it has been the tendency for the registered tonnage to be greatly reduced, although the amount of deadweight carried constantly increases. That is the point we have been making. Even if we were not worse off by this Bill, that is a poor consolation after we have made out, as we think, a very strong case for relief.

We have been told that we are acting the part of the dog in the manger in trying to send this Bill to a Select Committee, and thereby prevent, for this year at any rate, this agreement passing into law. I have no wish to act the part of the dog in the manger; I have no wish to prevent docks that will obtain advantage by this Bill from obtaining it; but I say that, having had the promises that were given to us as to the way in which private Bills would be treated if they dealt with this question of tonnage, it is very hard that when a general agreement is arrived at which is to include all interests—ports where they depend upon ocean liners and great passenger traffic, and also our ports in South Wales which are practically wholly dependent on the dead-weight carrying ships—we should get no relief whatever, but should be put into a worse position by being told that any private Bill that we ever bring before Parliament to increase our minimum of registered tonnage will always receive the opposition of the Board of Trade. I have tried to suggest to my noble friend some ways in which our case might be met. Besides fixing a minimum percentage on the gross tonnage, the bonus which is given might be limited. May I explain, in a sentence, that the practice is for those ships that get up to 13 per cent. for propelling space to receive a bonus that brings them up to 32 per cent.; and I must say it seems rather strange that a deduction should be made so far over and above what they actually require for machinery, bunker coals, and so forth. Then there are other deductions besides. There are deductions for crew space, and though I quite admit that it is very desirable that inducements should be given to ship-builders to provide sufficient crew space, still I do think it is rather hard that it should be done at the expense of dock revenues. I do not see why this question of crew space should not be put under the jurisdiction of the Board of Trade just the same as other things, or why the whole of these deductions should fall upon the docks.

I will not detain your Lordships longer. But I think it has been proved that South Wales and the exclusively dead-weight carrying ports will obtain no relief whatever by this Bill. We have been induced to withdraw our own private Bills, and now we find that the Board of Trade have, over our heads and against our interests, agreed with other ports and shippers; and we are called dogs in the manger simply because we do not cheerfully assent to a Bill which not only gives us no relief but ties our hands in the future. I am, of course, in the hands of the House. I shall see what support I get and judge from that whether it is advisable to move my Motion to refer the Bill to a Select Committee.

LORD GLANTAWE: My Lords, having been identified with docks for the greater part of my life I should like to say a word on this question. I was very glad when the President of the Board of Trade brought this Bill forward, especially on account of the injustice existing in this matter. The Bill was intended to correct that anomaly and afford relief to dock companies and pilots, but I fear it will not do so to the full extent. I agree with most of the remarks that the noble Earl, Lord Plymouth, has made. At the same time I am not prepared to oppose the Bill, because I think it is a step in the right direction. Although the limit has been fixed at 55 per cent. the Bill does not come into operation until January, 1914. Very many things may happen between now and then, and though the dock authorities may not get their own way on this occasion, events may happen before the Act comes into operation by which the minimum percentage will come nearer to their idea of what it should be than is the case in this Bill.

Naval architects have been wonderfully clever in designing ships lately, and the proportion of registered tonnage to carrying power has been reduced to a very absurd limit. The present state of things undoubtedly presses very hard upon some dock companies, especially those companies that are not in a position to earn a proper interest upon the outlay. The docks with which I am connected are, fortunately, not in that position. We have been earning well, and have a surplus; but there are other cases in which the exact opposite can be said. I will take the case of the Penarth Dock Company. The effect of the reduction in the registered tonnage there has been of a very drastic and unfair character. When the dock was opened in 1874 the average rate of dues paid per ton was a fraction under 4d.—3·93—the ratio of the net registered tonnage to the dead-weight being 58 per cent. In 1880 the average rate was in excess of that. It was 4·22d. per ton; the ratio of the net registered tonnage to the dead-weight being 65 per cent. Then we come to 1888, in which year the amount of money received by the Penarth Dock Company was the largest on record—namely, £47,696. Reduction in the registered tonnage has been going on regularly since, and the dock authorities find that almost in the same ratio as the gross tonnage increases the dues decrease. That is the grievance.

The effect of these continued reductions has been, in this instance of the Penarth Dock Company, that in 1906 the quantity shipped was 836,184 tons more than in 1888, yet the dues were £8,870 less than in that year, in consequence of the reduction in the ratio of the registered tonnage to the dead-weight carried. That is the chief reason why dock authorities complain that the present figure fixed by the Board of Trade is not the proper one. I do not, however, intend to vote against the Second Reading of this Bill, because I think great credit is due to the Board of Trade and to those connected with it for the way in which they have grappled with every question connected with shipping with a desire to place matters on a satisfactory basis.

LORD INVERCLYDE: My Lords, as I have been closely associated with the question of measurement of ships for tonnage, perhaps I may be allowed to intervene in this debate. I was a member of the Tonnage Committee which was appointed by the late Government, and presided over by Mr. Bonar Law; and I signed the Majority Report which declared that there was no call to make any change in the tonnage laws. There was, however, a strong Minority Report as well. The Report of the Tonnage Committee did not settle the matter, because the dock companies still continued to come forward with Private Bills seeking powers to charge dues on a minimum percentage of the gross tonnage.

We shipowners felt that it was most desirable that this vexed question should be settled; and although this Bill, which His Majesty's Government have brought forward, will very much increase the burdens put upon a great number of shipowners, and especially on that great company with which I am so closely associated, yet we felt that rather than incur the expenses of opposing Private Bills brought year after year before Parliamentary Committees, we would prefer to have the question, if possible, settled once for all. Shipowners have long thought that if the question of tonnage was to be dealt with it ought to be by a public Act. This contention was admitted by Mr. Lloyd-George, and he did his best to bring all interests together and to arrive at as fair a compromise as possible on this question. I am sorry that the compromise has not been entirely accepted, but that, I suppose, was hardly possible when there were so many interests concerned.

But I must confess that I have very little sympathy with the South Wales docks in their opposition to this Bill. The only ground for any opposition on their part would be that they were not in a flourishing condition; but there are few commercial concerns in the country paying higher dividends than the South Wales docks. Therefore I think they have very little to complain of. I trust your Lordships will pass the Bill in the form in which it has been brought forward by His Majesty's Government.

*LORD NUNBURNHOLME: My Lords, speaking as one who has had a great amount of experience in shipping matters, I think it is a very good thing that this Bill has been brought before Parliament, and I regret that a matter which concerns our most important industry, the Mercantile Marine, should be discussed in so small a House. The register tonnage for dock dues has always been a most unscientific charge; in my opinion, it ought to be on the length, breadth, depth of water, and the time the ship occupies in the dock. I suppose that is impossible, but it would really have been a scientific way of settling this matter. The fact that it has remained undecided has largely unsettled shipowners. When they are planning a ship they naturally want to know what the dock dues will be, and if this point remains unsettled it will interfere with the building of new steamers.

The noble Earl complained that naval architects had so improved shipbuilding that vessels carried much more dead-weight, or much more cargo for their net register, than hitherto. But the noble Earl probably does not realise that from that increased cargo the dock companies receive dues, so that if they lose in one way they gain in another. The shipowners and most of the companies who charge dock dues have agreed upon this compromise. Do not let us throw it over. If we have to vote on this matter I sincerely hope that the supporters of the Bill will be in a majority, and if the Bill is passed I do not think the noble Earl's friends in South Wales will suffer in any way. I appeal to the House to let this matter be settled once and for all.

*LORD ELLENBOROUGH: My Lords, I am in favour of the principle of the Bill, but if it had been brought before the House at an earlier period I should have supported the noble Earl's Amendment to refer it to a Select Committee. But as we cannot have a Select Committee of our own, I think it desirable that the evidence and the speeches of counsel before the Select Committee in another place should be printed and be at your Lordships' disposal before we take the Committee Stage of this Bill. Doubtless these speeches and the evidence contain a good deal of information which is not now before us. I have heard of this question from the time I was a boy, and I have heard it argued from every side, but I am ignorant of the latest phases of it because I have not had an opportunity of reading what was stated in evidence before the Committee of the House of Commons. I therefore hope the Government will see their way to have copies of the evidence and the speeches that counsel made before the Select Committee laid before this House at the earliest opportunity.

THE MARQUESS OF SALISBURY: My Lords, I am quite certain that there is one universal sentiment in the breasts of all your Lordships, and that is a hope that this discussion, although dealing with a very important subject, may soon come to an end, and I can assure you I share that view. But I really do not think that the Government deserve the assistance which they have asked for. It appears that the President of the Board of Trade, by some misunderstanding, gave the representatives of the South Wales ports the impression that they would be heard by counsel before the Select Committee of the House of Commons upon the issues which they wished to raise. But when counsel presented themselves the Committee held, either as a matter of order or as a matter of their own discretion, I do not know which, that the subject of the figure of tonnage deduction was not open. Therefore the impression which they had gathered from the statement of the President of the Board of Trade was not founded in fact. That constitutes, I think, a very considerable hardship, if it be the case. But we are not able very well to judge whether it is the case.

Not only is this very important Bill hurled at your Lordships' heads at such a moment and at such a period of the session, but the evidence upon which the Report of the Select Committee was drawn, and the evidence, therefore, upon which my noble friend Lord Granard relies for persuading your Lordships to pass this Bill, is not available for any Member of your Lordships' House. I must say that the treatment of important subjects, which can be very properly debated and considered in your Lordship's House owing to the experts who have seats here, most of whom I see around me at this moment, in this way is a satire on modern methods of legislation. It makes it doubly hard on my noble friend who represents a very important interest in South Wales. The noble Lord opposite, Lord Nunburnholme, pointed out that there is theoretically no defence whatever for the system under which tonnage deductions are now made, and that the obvious common sense plan was that a ship should be charged on the space it occupies in the dock. I know there are very strong reasons why that is not the case, and one of the strongest reasons is that by immemorial tradition another plan has been adopted. It is too late in the day to alter that, but it does constitute a difficult issue; and when the Government come to Parliament and ask for an alteration in the law they have to bear in mind that this very unscientific method of calculating dock dues does act hardly on some people, and that if that hardship is intensified they have a double right to ask for relief.

There are exceptions in the treatment of various docks. There are exceptions in this Bill. Certain Private Acts have already been secured, and those Private Acts are not sought to be disturbed. That constitutes yet another hardship for my noble friend, who is left out in the cold. It must be admitted that the noble Earl has shown that his is a hard case. But personally I have great confidence in the Board of Trade. I believe that office has a body of officials second to none for ability and public spirit, and in most cases I should be very glad to trust them almost entirely in a matter of this kind. Moreover, there is, of course, the Departmental Committee appointed by the late Government, whose conclusions on this subject may to some extent be called in aid in support of the Government; but it is noteworthy that the Government do not adopt either the recommendation of the Majority Report or that of the Minority Report, but a sort of compromise of their own between the two.

We are now presented with this situation. Here is a change which to some extent has been recommended by a strong Departmental Committee, and which is promoted in a non-party sense by the Board of Trade, and we are asked how we ought to deal with the Bill. My noble friend Lord Plymouth says we ought to send it to a Select Committee. I am afraid that at this period of the session that would have but one result. I certainly am not prepared to take the responsibility of recommending your Lordships to adopt a course which would undoubtedly kill the Bill for the present year; and, therefore, although I feel that my noble friend and those whom he represents have not been very well treated in the matter, I think your Lordships would do well to read the Bill a Second Time and not send it to a Select Committee.

*THE EARL OF GRANARD: I am glad to hear from the remarks of the noble Marquess that he does not intend to support the noble Earl in his proposal to refer the Bill to a Select Committee. The noble Marquess has certainly put his finger on one of the weak spots in the case when he mentions the fact of no printed evidence being available to your Lordships, but I understand that the evidence is available now in the House of Commons and may be had there.

THE MARQUESS OF SALISBURY: I made careful inquiry in the Vote Office before I made my observations. I found that what I stated was the fact.

*THE EARL OF GRANARD: At any rate we have asked the Commons to give us the evidence in this case. I cannot give any pledge as regards private legislation in the future, but I can assure my noble friend that any Private Bill initiated by the South Wales docks, provided it does not touch the question of tonnage, will receive the careful consideration of the Government. The Welsh docks will be in just as good a position after this Bill has passed as before. If it is a fact that the Welsh docks are charging too low dues, they should combine to ask for power to charge a little more. I am afraid it is the case that they do not get much advantage out of this Bill.

On Question, Bill read 2^{a}.

*THE EARL OF PLYMOUTH: My Lords, I do not rise to move the Motion standing in my name, but I should like to say that the interests of the pilots in the Bristol Channel have always been in our minds in dealing with this question, and they continue of the same belief that they will not get any help from this Bill. They feel very strongly—

THE FIRST LORD OF THE ADMIRALTY (Lord TWEEDMOUTH): I would point out to the noble Earl that there is no question before the House at the moment.

*THE EARL OF PLYMOUTH: To put myself in order I will move the reference of the Bill to a Select Committee, but I shall not press that Motion. I do not wish to leave out the question of the pilots, and I would ask the noble Earl who represents the Board of Trade whether there is any possibility of a clause being inserted later on something to this effect—

> "Where the authority of any dock or harbour has power to charge dues upon a minimum percentage of the gross tonnage of vessels using the dock or harbour, the pilotage rates chargeable upon such vessels shall be calculated upon such percentage, where the pilots at such ports are paid by tonnage rates."

Motion made, "That the Bill be referred to a Select Committee."—(*The Earl of Plymouth.*)

*THE EARL OF GRANARD: I can assure the noble Earl that the case of the pilots is one to which my right hon. friend has given on many occasions his earnest consideration, and I understand that he has promised that it shall receive his attention. I remember he gave very good advice to the pilots. He said, "If you take my advice you will not have anything to do with dockowners, but run the whole show yourselves." As regards the clause suggested by the noble Earl, I do not think it would be very practical. I speak, of course, off-hand. If he will will let me have the clause it shall be considered.

Motion, by leave of the House, withdrawn.

Bill committed to a Committee of the Whole House To-morrow.

EVIDENCE COLONIAL STATUTES BILL.

Read 3ª (according to order), and passed.

SEA FISHERIES (SCOTLAND) APPLICATION OF PENALTIES BILL.

[SECOND READING.]

Order of the Day for the Second Reading read.

LORD HAMILTON OF DALZELL: My Lords, I am glad to think I need not detain your Lordships for more than a minute in explaining the object of this Bill. It only contains a single clause, and it gives effect to an arrangement between the Treasury and the Fishery Board for Scotland by which the amount of any fine which may be recoverable for illegal fishing off the coast of Scotland will, after the expenses of the prosecution have been paid, be handed over to the Fishery Board to be dealt with as they may deem fit, subject to the approval of the Secretary for Scotland. I beg to move that the Bill be read a Second Time.

Moved, "That the Bill be now read 2ª."—(*Lord Hamilton of Dalzell.*)

On Question, Bill read 2ª, and committed to a Committee of the Whole House on Monday next.

PATENTS AND DESIGNS BILL (No. 174).

PATENTS AND DESIGNS (CONSOLIDATION) BILL (No. 175.)

Read 1ª, to be printed; and to be read 2ª on Friday next.—(*The Lord Granard* [*E. Granard.*])

CALEDONIAN RAILWAY ORDER CONFIRMATION BILL.

Brought from the Commons and read 1ª, to be printed; and (pursuant to the Private Legislation Procedure (Scotland) Act, 1899), deemed to have been read 2ª —(*The Lord Hamilton of Dalzell*)—and reported from the Committee. (No. 176.)

House adjourned at five minutes before Nine o'clock, till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS.

Wednesday, 14*th August*, 1907.

The House met at a quarter before Three of the Clock.

PRIVATE BILL BUSINESS.

Kilmarnock Corporation Water Order Confirmation Bill. Read the third time, and passed.

Inverness Royal Academy Order Confirmation Bill, "To confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1899, relating to Inverness Royal Academy and Educational Endowments," presented by Mr. Sinclair, and ordered, under Section 7 of the Act, to be considered upon Friday.

MESSAGE FROM THE LORDS.

That they have agreed to, Armagh Urban District Council Bill, with an Amendment.

Amendment to—Oxford and District Tramways Bill [Lords], without Amendment.

That they have passed a Bill, intituled, "An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1899, relating to Dumbarton Burgh and County Tramways." [Dumbarton Burgh and County Tramways Order Confirmation Bill [Lords.]

Also, a Bill, intituled, "An Act to confirm a Provisional Order under the

Private Legislation Procedure (Scotland) Act, 1899, relating to Aberdeen Harbour." [Aberdeen Harbour Order Confirmation Bill [Lords.]

And, also a Bill, intituled, "An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1899, relating to the Burgh of Dumbarton." [Dumbarton Burgh Order Confirmation Bill [Lords.]

Dumbarton Burgh and County Tramways Order Confirmation Bill [Lords], ordered, under Section 7 of the Private Legislation Procedure (Scotland) Act, 1899, to be considered To-morrow.

Dumbarton Burgh Order Confirmation Bill [Lords.] Ordered, under Section 7 of the Private Legislation Procedure (Scotland) Act, 1899, to be considered To-morrow.

Aberdeen Harbour Order Confirmation Bill [Lords.] Read the first time; and ordered, under Section 9 of the Private Legislation Procedure (Scotland) Act, 1899, to be read a second time To-morrow, and to be printed. [Bill 317.]

PETITIONS.

BUTTER AND MARGARINE BILL.

Petition from Liverpool, for alteration; to lie upon the Table.

WEEKLY REST DAY BILL.

Petition from Leytonstone and other places, in favour; to lie upon the Table.

RETURNS, REPORTS, ETC.

TREATY SERIES (No. 22, 1907).

Copy presented, of Accession of Nicaragua to the Convention, signed at Geneva, 22nd August, 1864, for the Amelioration of the Condition of the Wounded in Armies in the Field, 17th June, 1907 [by Command]; to lie upon the Table.

TREATY SERIES (No. 23, 1907).

Copy presented, of Accession of Panama to the Convention, signed at Geneva, 22nd August 1864, for the Amelioration of the Condition of the Wounded in Armies in the Field, 29th July 1907 [by Command]; to lie upon the Table.

COMMERCIAL (No. 8, 1907).

Copy presented, of Report by Sir Eldon Gorst and Mr. Llewellyn Smith on the System of British Commercial Attachés and Commercial Agents [by Command]; to lie upon the Table.

TRADE REPORTS (ANNUAL SERIES).

Copies presented, of Diplomatic and Consular Reports, Annual Series, Nos. 3899 and 3900 [by Command]; to lie upon the Table.

FACTORY AND WORKSHOP ACTS (DANGEROUS AND UNHEALTHY INDUSTRIES).

Copy presented, of Regulations, dated 6th August, 1907, made by the Secretary of State for the Home Department, in pursuance of Section 79 of the Factory and Workshop Act, 1901, for the process of heading of yarn dyed by means of a lead compound [by Act]; to lie upon the Table.

LOCAL TAXATION (SCOTLAND).

Copy presented, of the Annual Local Taxation (Scotland) Returns for the year 1905–6 [by Act] to lie upon the Table, and to be printed. [No. 305.]

TRADE (FOREIGN COUNTRIES AND BRITISH POSSESSIONS).

Copy presented, of Abstract and Detailed Tables showing Countries of Consignment of Imports and Countries of Ultimate Destination of Exports (Supplement to Vols. I. and II.) [by Command]; to lie upon the Table.

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Board of Education Second Division Clerks.

MR. ALDEN (Middlesex, Tottenham): To ask the President of the Board of Education how many Second Division clerks, appointed under the Order in Council, 21st March, 1890, are employed in the Board of Education; how many clerks have been promoted to higher posts in the office from this class since its introduction; and the date of such promotions.

(*Answered by Mr. McKenna.*) In the Board of Education there have been 188 Second Division clerks appointed under the Order in Council of 21st March, 1890. Understanding that by "higher posts" the hon. Member means all posts carrying a salary superior to that of the higher grade of the Second Division, one clerk was promoted on 16th January, 1906, to be a junior staff clerk.

Shopkeepers and Income-Tax.

MR. J. MACVEAGH (Down, S.): To ask Mr. Chancellor of the Exchequer whether, in the assessment of income-tax under Schedule D upon shopkeepers, the house in which they carry on their business, as regards rent and valuation, is taken into account in such assessment; whether it is usual when the assessment is made by the surveyor of taxes, and when such assessment is paid in due course by the shopkeeper, for such surveyor to make a fresh application months afterwards for tax under Schedule A upon the same premises and for the same year; whether he is aware that the surveyor of taxes at Cookstown has directed one of his collectors to call upon certain shopkeepers who had paid income-tax under Schedule D, as aforesaid, and, without previous notification, demand payment peremptorily of income-tax upon the difference between the rent and valuation; and whether he proposes to take any action in the matter.

(*Answered by Mr. Asquith.*) Income-tax under Schedule A is payable in respect of premises used for business purposes as of other premises; but, in estimating the profits of a business for assessment under Schedule D, a deduction is allowed for the amount of the net Schedule A assessment. The tax under Schedules A and D is, as far as possible, collected concurrently. A long interval could only occur under exceptional circnmstances. The surveyor is not aware of any case in which a peremptory demand has been made which has not been preceded by the ordinary demand note for payment.

Devonport Gun Wharf Workers.

SIR JOHN BENN (Devonport): To ask the Secretary to the Admiralty whether he is aware that the eighteen men employed in the workshops of the Army Ordnance Department, His Majesty's Gun Wharf, Devonport, are not now granted the extra 1s. per week which has been given to the labourers; that these men, before the advance, were in receipt of 22s. 6d. per week, that included 6d. per day allowed them for skilled work; and that the extra 1s. which was paid to them for a few weeks has been withdrawn, by the deduction of 2d. per day from the 6d. for skilled work, leaving them only 22s. 6d. as before; and whether, seeing that men employed in the dockyard on similar work are receiving from 24s. to 27s. per week, he will favourably consider restoring to these eighteen men the advance in wages recently granted to their comrades.

(*Answered by Mr. Edmund Robertson.*) As I have already explained to the House on 3rd June, the wages paid to the men doing the work in question remained unchanged, and, on the information now in my possession, I do not consider them inadequate for the work which the men have to perform.

Day Industrial Schools.

MR. A. ALLEN (Christchurch): To ask the Secretary of State for the Home Department whether, having regard to the success of day industrial schools and the desirability of extending the scope of such schools by admitting suitable voluntary cases, he will, in his proposed legislation for next year affecting children, take steps to modify Section 16 of The Education Act, 1876, which, by fixing the maximum limit of the Treasury contribution to day industrial schools at 1s. a head for committed cases and at 6d. a head for other cases, has done a great deal to hamper the development of these schools.

(*Answered by Mr. Secretary Gladstone.*) I hope to deal with the matter in a Bill next session; but I cannot at present make any promise of an increase in the amount of these grants.

Long Lane, S.E., Police Barracks.

DR. COOPER (Southwark, Bermondsey): To ask the Secretary of State for the Home Department whether he can give the total expenditure on land and buildings of Monro House and Bradford House, Long Lane, S.E., recently erected for married men of the M Division of

Metropolitan Police; whether he can state how many families each house accommodates and the amount of rent charged for each tenement; whether the rent includes all the charges, the interest of the loan, the sinking fund, rates, taxes, repairs, and cost of management; if not, what is the annual amount of the deficit; and whether the deficit is charged to the rates, or how it is met.

(*Answered by Mr. Secretary Gladstone.*) The total expenditure on land and buildings was £12,500. Each house accommodates twelve families. The rents vary from 7s. 6d. to 10s. a week, the total rental amounting to £513 10s. per annum. The rent is inclusive; rates, taxes, and other outgoings being defrayed from the Metropolitan Police Fund. Having regard to the shortness of time during which the building has been in occupation, the annual amount of the deficit falling on that fund cannot at present be stated.

Victoria University, Manchester.

MR. HARWOOD (Bolton): To ask Mr. Chancellor of the Exchequer if he can state for what reason the maximum State grant to Universities has been reduced; and whether he is aware of the hardship inflicted upon the Victoria University of Manchester by depriving it annually of £2,000, in reliance upon which engagements had been made, which cannot now be cancelled, for increasing the service of the University to the community.

(*Answered by Mr. Asquith.*) It has been decided that in future no institution participating in the grant for University colleges shall receive more than £10,000 per annum. Unless the total grant, which has been increased during the last few years from £27,000 per annum to £100,000 per annum, is to be indefinitely increased, some maximum limit for particular grants must be fixed, and the limit in question has been arrived at upon the recommendation of the Advisory Committee, who fully considered all the circumstances and, in particular, the claims of the smaller colleges. The University was informed last year that the grant then made must not be regarded as an assured source of income, the whole of which might be appropriated to purposes of recurrent expenditure, and that the allocation of the grants would be entirely revised in the current year.

Irish National Education Board.

MR. PATRICK O'BRIEN (Kilkenny): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will give the dates on which meetings of the National Education Board have been held between the 1st July, 1906, and 30th June, 1907; the names of the Commissioners present at each of these meetings; the number of meetings attended by each of the twenty Commissioners during the twelve months in question; and the remuneration in the way of salary or expenses, etc., paid to each Commissioner for each meeting attended.

(*Answered by Mr. Birrell.*) The following statement gives the dates of meetings of the National Education Board during the period referred to and the number of Commissioners present at each meeting—

Dates of Meetings.	Number of Commissioners present.
1906.	
July 3	15
July 17	14
July 31	9
August 14	10
August 28	14
September 11	13
September 25	11
October 9	16
October 23	14
November 6	13
November 20	17
December 4	16
December 18	16
1907.	
January 3	12
January 15	13
January 29	12
February 12	9
February 26	12
March 12	10
March 20	8
March 26	12
April 9	12
April 23	11
May 7	17
May 14	15
May 21	12
June 4	10
June 18	14

The Commissioners do not receive any remuneration by way of salary, but their travelling and personal expenses are paid, and the payments are regularly audited by the Exchequer and Audit Department. The Commissioners inform me that they do not think it desirable to give details as to the attendance of individual members of their body, as they consider that no useful purpose would be served by furnishing this information.

The Organiser of Irish.

MR. McKILLOP (Armagh, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he will state the number of applications from principal and assistant teachers respectively received by the Commissioners of National Education in Ireland for the position of organiser of Irish, and the number of such teachers who have taught Irish successfully during the past year, receiving the general report of excellent or very good.

(*Answered by Mr. Birrell.*) The Commissioners of National Education inform me that the number of applications for the post of organiser of Irish received from principal and assistant teachers respectively is fifty-five and twenty-six. The information asked for in the latter part of the Question will take some time to prepare.

Lunacy Commissioners' Report.

DR. COOPER: To ask the Secretary of State for the Home Department whether the Lunacy Commissioners have laid upon the Table their Annual Report for this year; and, if so, when will it be issued.

(*Answered by Mr. Secretary Gladstone.*) The body of the Report for 1906 was laid upon the Table on the 27th of June last. The appendices are now in the printers' hands, and it is hoped that the whole Report will be issued in about a fortnight.

Metropolitan Assistant Police Commissioners.

DR. COOPER: To ask the Secretary of State for the Home Department whether a military man has recently been appointed one of the assistant commissioners of the Metropolitan Police; whether the gentleman appointed has had any previous experience of police work; and whether, before making this appointment, any consideration was given to the advisability of promoting one of the present superintendents or appointing a person acquainted with the police duty of a large town.

(*Answered by Mr. Secretary Gladstone.*) The last occasion when a military man was appointed an assistant commissioner was in 1902. The gentleman then appointed had been Assistant Commissioner of Police of the City of London, and had had twelve years police experience.

Irish Marriages.

MR. FETHERSTONHAUGH (Fermanagh, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland, whether clergymen of the Disestablished Church in Ireland are compelled to furnish quarterly returns of all marriages celebrated by them; are the clergy of other denominations required to furnish such returns; and are any payments made to the clergy of any, and, if so, which, religious denominations for such returns.

(*Answered by Mr. Birrell.*) The clergy of all denominations in Ireland, except the Roman Catholics, are bound, under the Act 7 and 8 Vic., c. 81, to register marriages in duplicate and to furnish quarterly returns of marriages to the proper officer. The duty of registering Roman Catholic marriages in Ireland is imposed on the husband by the statute 26 and 27 Vic., c. 90, known as Monsell's Act. No payment is made to the clergy of any denomination for furnishing returns of marriages.

Geashill Farm Dispute.

MR. DELANY (Queen's County, Ossory): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state the cause of the delay in completing the purchase of Mr. Charles Dempsey's farm at Ard, Geashill, King's County, which the Estates Commissioners propose to divide with an evicted tenant named Wyer; is he aware that Dempsey is being sued by the Land Commission for the amount of annuity due on the whole farm up to last May, although half the land is in the possession of the evicted tenant; and will he see that the sale is expedited.

(*Answered by Mr. Birrell.*) The Estates Commissioners have, at the request of the owner, made inquiries into the matter referred to in the Question, and they are at present considering their inspector's report. The Commissioners have no knowledge that part of the farm is in the occupation of the evicted tenant, Wyer.

Teachers of Irish Model Schools.

MR. SLOAN (Belfast, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether, in view of the fact that the Commissioners of National Education have framed rules to regulate the appointment of teachers to model schools, and that Rule 51 states that candidates are invited by advertisement to submit their names, he can say why this rule has not been adhered to in the case of the Belfast model school, where a vacancy existed recently in the girls' department.

(*Answered by Mr. Birrell.*) The Commissioners of National Education inform me that candidates were not invited by advertisement for the vacancy in the Belfast model school for girls, because the vacancy was filled by the transfer of the teacher of the Newtownards model school for girls. The vacancy in the latter school has been duly advertised, and the appointment will be made at an early date.

Water for Belfast Rioters.

MR. LUTTRELL (Devonshire, Tavistock): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether, in view of the loss of life at Belfast through the firing with bullets in the streets, he would make representations to the authorities as to whether, in the event of the necessity of dispersing a mob, some other means, such as the use of water, might be adopted.

(*Answered by Mr. Birrell.*) I think my hon. friend may rest assured that, as in the recent case, the authorities will only use firearms in the very last resort, and when all other means have failed. I will, however, bring my hon. friend's suggestion to the notice of the authorities.

Crown Agents' Contracts.

MR. WALKER (Leicestershire, Melton): To ask the Under Secretary of State for the Colonies whether the Crown agents invite freight tenders for all cargo and stores shipped by them; whether in any cases deferred rebates are granted; if so, what has been the rate of the rebates and the amount so received during each of the years 1904, 1905, and 1906, and how the money has been applied; and whether any preference is granted to certain lines of steamers in consideration of these rebates.

(*Answered by Mr. Churchill.*) The evidence given by Sir E. Blake on the 9th July before the Royal Commission on Shipping Rings (which has been published) contains full information as to the practice of the Crown agents in shipping matters. If the hon. Member desires it he can be supplied with a copy of the list of West African rebates handed in by Sir E. Blake in reply to Question No. 10,874.

Turkish Raid into Persia.

MR. YOXALL (Nottingham, W.): To ask the Secretary of State for Foreign Affairs if he has received official information to the effect that the Turkish force which recently crossed the Persian frontier was marching with fire and sword in the direction of Urumia, and had shelled the Christian village of Mewan, killing about ninety persons, including women and children, and carrying off ten girls; and, if so, whether he is making representations to the Sublime Port on this matter.

(*Answered by Secretary Sir Edward Grey.*) I would refer the hon. Member to the Answer I gave to the hon. Member for Mid Armagh on the 8th instant. In reply to the representations made to the Porte, His Majesty's Government are informed that the information of the Turkish Government is to the effect that the first attack came from the Persian side, and that orders have been sent to withdraw the Turkish troops within the neutral zone and to punish those guilty of excesses.

Inland Revenue Porters.

MR. FIELD (Dublin, St. Patrick): To ask the Secretary to the Treasury how many porters are employed in each of the various branches of the Inland Revenue Department; how many classes are they divided into; what is the scale of pay of each class; whether they are all allowed pensions on retirement after the usual number of years service; and, if not, seeing the low scale of pay of these men and the large salaries and pensions given to the higher officials in this department, will he explain why.

(*Answered by Mr. Runciman.*) I am informed that the number of the porters and the offices to which they are assigned are as follows:—Controller of Stamps and Stores Office: 1 foreman packer and porter, 30s.—2s.—40s. 8 packers and porters, 20s.—1s.—30s. Pensionable. Stamping Department: 1 van attendant and porter, 20s.—1s.—30s. Pensionable. Office-keepers' Branch: 4 door porters, 1, £65—£2—£85* 3, £52—£2—£56. Pensionable. 1 head coal porter, £90 per annum. Pensionable. 1 deputy head coal porter, 27s.—1s.—30s. a week. Non-pensionable. 3 porters, 28s. a week. 40 porters, 20s.—2s.—24s. a week. Non-pensionable. Liverpool Collection: 1 porter and messenger, 25s.—1s.—30s. 1 hall porter, 20s.—1s.—25s. Non-pensionable. London Central Collection: 1 hall porter, 30s. a week. 1 coal porter, 20s.—2s.—24s. Non-pensionable. Manchester Collection: 1 porter and messenger, £2 a week. 1 coal porter for 35 weeks annually, 10s. a week. Non-pensionable. Comptroller's Office, Edinburgh: 1 coal porter and furnace man, 30s. 1 coal porter 20s. Non-pensionable. Glasgow Collection: 1 hall porter, 25s. a week. Pensionable. 1 coal porter, 11s. 6d. a week. Non-pensionable. Comptroller's Office, Dublin: 2 fire lighters and coal porters, 20s. a week. Non-pensionable. Belfast Collection: 1 porter and stamper, 35s.—1s.—40s. Non-pensionable. As regards the last part of the Question, it is one of the conditions of the employment of the non-pensionable men that their service shall give no claim to pension, and the salaries are adequate to the duties.

Exchequer and Audit Establishment.

MR. FIELD: To ask the Secretary to the Treasury whether he will furnish a copy of the Exchequer and Audit Establishment list for each of the last ten years.

(*Answered by Mr. Runciman.*) I am informed that there are no spare copies for the earlier years of the list, which is issued merely for use in the Exchequer and Audit Department, but if the hon. Member cares to call at the office of the Comptroller and Auditor General he can have access to the official volume.

Local Government Board Auditors.

MR. FIELD: To ask the President of the Local Government Board whether, seeing that new entrants as Local Government Board auditors have no practical experience of audit work, and that, considering the nature of the duties, such experience is of value, he will explain why such positions are not given to the trained and experienced auditors of the Exchequer and Audit Department.

(*Answered by Mr. John Burns.*) An auditor now usually serves as an assistant auditor before he is appointed as a full auditor, and, moreover, an assistant auditor before appointment has commonly had training with an auditor. In this way the persons appointed obtain knowledge and experience of the particular work connected with the audit of the accounts of local authorities, which the staff of the Exchequer and Audit Department could not be expected to possess.

Contracts and Fair Wages.

MR. WHITEHEAD (Essex, S.E.): To ask the President of the Local Government Board whether his Board exercises any control over the form of contract entered into by local authorities, and in particular as to the insertion in such contracts of what is known as the Fair Wages Clause; and whether he requires the insertion of such a clause in contracts for the carrying out of which it is necessary for local authorities to obtain the sanction of the Board or a loan sanctioned by the Board.

(*Answered by Mr. John Burns.*) The Board have no control over the form of contract entered into by local authorities except in the case of Poor Law authorities. It is competent to a local authority to insert a Fair Wages Clause in their contracts, but the Board have not in any case required them to do so. My hon. friend is perhaps aware of the Parliamentary Return as to the contracts of local authorities which was issued in 1905, and which gives information as to the course adopted by local authorities in this matter.

Durban Passengers Grievance.

MR. WHITEHEAD: To ask the President of the Board of Trade whether his attention has been called to the fact that three passengers on board the White Star liner s.s. "Persic," which sailed from Durban on 27th March, were forced to land at Plymouth, notwithstanding that they intended to proceed to Tilbury, without being informed of the risk which one of them ran from exposure to a railway journey, owing to the fact that he was suffering from typhoid fever; whether the fact of this disease having occurred on board was notified to the port authority or Board of Trade; whether it ought to have been notified, and to whom; whether the summary landing of these passengers at Plymouth relieved the ship's officers from any duty of reporting the disease on arrival at Tilbury, or in any way expedited the discharge of the vessel in the port of London; whether he proposes to take any action in the matter; whether his department, or other authority, has any power to prevent the spreading of disease in this way in this country; and whether, having regard to the loss and expense incurred by several persons through the above events, he will cause full inquiry to be made into the whole matter.

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* To be succeeded by one on lower scale.

(*Answered by Mr. John Burns.*) Perhaps I may be allowed to Answer this Question. My attention has been called to the case mentioned in it, and I have made inquiry with regard to it. The passengers referred to left the ship at Plymouth under the advice of the ship's medical officer, but I do not understand that they were forced to do so. The medical officer appears not to have regarded the case as one of typhoid fever, but as extremely suspicious. He states that he reported the case at Plymouth to the pilot, giving him the principal symptoms as a guide for those ashore, and that the pilot assured him the case would be looked to. I am informed that the discharge of the vessel was not in any way expedited by the landing of the passengers at Plymouth. The Local Government Board have informed the steamship company that in their opinion the ship's medical officer should either have sent an intimation in writing to the port medical officer of health respecting the case or should have mentioned it on the certificate given by him with regard to the health of the passengers and crew. The Board have suggested to the company that it should be made clear to the surgeons of their ships that, in all cases where suspicion exists of infectious disease on ships arriving in any port, information of the facts should be sent in writing by the surgeon to the port medical officer of health. The company have given an assurance that in future this will be done.

Ships' Casualties.

MR. BELLAIRS (Lynn Regis): To ask the Secretary to the Admiralty when it is proposed to issue the Return giving the casualties to ships in 1906.

(*Answered by Mr. Lambert.*) This Return is in the hands of the printers, but no date can be fixed for its issue.

Bellary Quit Rents.

MR. REES (Montgomery Boroughs): To ask the Secretary of State for India whether he is aware that ten rupees per acre is now demanded as quit rent in the cantonment of Bellary and fifteen rupees per acre in the civil lines; whether these quit rents are largely in excess of the figures usually charged; and whether he will inquire if there is any sufficient reason for such increase.

(*Answered by Mr. Secretary Morley.*) I have no information on the subject, but I will ask the Government of India to acquaint me with the facts.

Unearned Land Increments in India.

MR. REES: To ask the Secretary of State for India whether such increases in assessment as are from time to time, and in exceptional localities, made in India, in due proportion with increases in land values, not resulting from the action of the landholders, provide revenue for public purposes by intercepting the unearned increments; and whether, if that be the case, he will resist proposals for relinquishing the power to raise assessments, the retention of which is so greatly to the interest of the poorer masses of the Indian peoples.

(*Answered by Mr. Secretary Morley.*) The revenue derived from the land assessment is unquestionably a most important item in Indian finance, and any proposals for depriving the Government of its prescriptive right to revise from time to time the assessments in temporarily settled tracts would need to be supported by very strong considerations. No such proposals are before me. The question of securing equitable and moderate assessments, especially when, as is often the case, the revenue payers are in humble circumstances, stands on a different footing.

War Office Boy Messengers.

MR. CROOKS (Woolwich): To ask the Secretary of State for War how many boy messengers are employed at the War Office; how many leave on an average each year; how many have left during the last five years for age limit, for misconduct, and for other reasons; how many obtained posts in the Civil Service as men; and whether any provision is made for the after employment of boys who leave on account of age.

(*Answered by Mr. Secretary Haldane.*) Seventy-three boy messengers are now employed at the War Office. From 1st July, 1902, to 30th June, 1907, an average number of twenty-nine left annually, thirteen left under the age limit, six for misconduct, and 128 for other reasons. I have no information to show how many obtained posts in the Civil Service as men. No special official provision is made for the after employment of boys who leave on account of age, but every effort is made unofficially to assist them in this direction.

British Garrison in Egypt.

MR. ASHLEY (Lancashire, Blackpool): To ask the Secretary of State for War what is the strength of the British troops stationed in Egypt and the Soudan.

(*Answered by Mr. Secretary Haldane.*) It is not considered expedient to publish the strength of British troops stationed abroad.

Yeomanry Drill Book.

VISCOUNT HELMSLEY (Yorkshire, N.R., Thirsk): To ask the Secretary of State for War whether the War Office are contemplating the issue of a drill book for that branch of the Territorial Army hitherto known as the Yeomanry; and, if so, whether it will contain all the information which a yeoman is required to know, so that reference to numerous text books may be unnecessary.

(*Answered by Mr. Secretary Haldane*): It is not the intention of the Army Council to issue to the force mentioned a training manual containing a variety of information extracted from other manuals. It has been decided, after careful consideration, that the issue of several manuals containing the same information is objectionable.

QUESTIONS IN THE HOUSE.

Turnchapel Coaling Depot.

MR. MILDMAY (Devonshire, Totnes): I beg to ask the Secretary to the Admiralty whether there is any intention of proceeding immediately with the work involved in the establishment of a new coaling depot and fuelling depot for submarines at Turnchapel, near Plymouth.

THE CIVIL LORD OF THE ADMIRALTY (Mr. LAMBERT, Devonshire, South Molton): Work on the coaling depot was started a considerable time ago, and is in hand now. Tenders will be invited shortly for the construction of the Fuel Oil Depot.

Battleship Collision.

*MR. ASHLEY (Lancashire, Blackpool): I beg to ask the Secretary to the Admiralty whether a collision between the new battleships "Commonwealth" and "Albemarle" occurred early this year, resulting in severe damage to the former; whether he can state what was the Report of the Court of Inquiry which was held into the circumstances; whether the Report of the Court was accompanied by a covering letter from the Commander-in-Chief; and, if so, what was the nature of that Report and what was the final decision of the Board of Admiralty in the matter.

MR. LAMBERT: The Commander-in-Chief, Admiral of the Fleet, Sir Arthur Wilson, reported that it was not in his opinion a case for court-martial, and the Board of Admiralty were of the same opinion.

*MR. ASHLEY: Will the right hon Gentleman answer my Question as to the Court of Inquiry?

MR. LAMBERT: I have answered it

*Mr. ASHLEY: May I ask the right hon. Gentleman if he will not answer my Question why information of a precisely similar kind asked for in this House by the hon. Member for Kirkcaldy Burghs was given him by the Admiralty to use against another hon. Member of this House?

Mr. LAMBERT: That is a totally different Question. I have answered the hon. Member's Question. The Commander-in-Chief reported that it was not, in his opinion, a case for court-martial, and the Board of Admiralty were of the same opinion.

*Mr. ASHLEY: May I ask, does the right hon. Gentleman consider that an Answer to the paragraph which asks what was the Report of the Court of Inquiry which was held into the circumstances.

Mr. LAMBERT: As I have said, the Commander-in-Chief reported that it was not, in his opinion, a case for court-martial, and the Board of Admiralty are of the same opinion.

Viscount TURNOUR (Sussex, Horsham): Part of the Question is whether the Report of the Court was accompanied by a covering letter from the Commander-in-Chief, and what was the nature of that Report.

Mr. LAMBERT: I have just said what the Commander-in-Chief's Report was.

Lord R. CECIL (Marylebone, E.): The hon. Gentleman really has not answered the Question.

The Home Fleet.

Mr. GRETTON (Rutland): I beg to ask the Secretary to the Admiralty, what is the number of ships now forming the Home Fleet; of these, how many were present at the recent review at Portsmouth and afterwards proceeded to sea?

Mr. LAMBERT: The Answer to the first part of the Question is 219 vessels, excluding submarines. One hundred and seventy of these, together with fifteen submarines, assembled at Cowes, all of which except four proceeded to sea after the inspection.

Mr. GRETTON: I beg to ask the Secretary to the Admiralty, what ships of the Home Fleet were engaged in the recent manœuvres in the Channel; what was the duration of these manœuvres, and will there be any further exercise of the Fleet at sea in the course of the present year; and, if so, when may it be expected?

Mr. LAMBERT: One hundred and sixty-six vessels of the Home Fleet were engaged in exercises for two days in the Channel after leaving the Solent. Vessels from the Home Fleet will take part in fleet exercises in October next.

The Channel Fleet.

Mr. GRETTON: I beg to ask the Secretary to the Admiralty, if it is proposed to make any addition to the Channel Fleet; if so, what ships will be affected; from what divisions are they to be drawn; and what steps will be taken to replace the ships thus transferred?

Mr. LAMBERT: The armoured cruisers "Black Prince" and "Duke of Edinburgh" will be added to the First Cruiser Squadron, and the two destroyer flotillas at Portland, with their attendant vessels, will be attached to the Channel Fleet for the present. The "Black Prince" is now in the Second Cruiser Squadron, and will be replaced there by the "Carnarvon." The "Duke of Edinburgh" comes from the Fifth Cruiser Squadron, and will be replaced shortly. The destroyers, which have hitherto formed part of the Home Fleet, are merely transferred to another command, and it is not at present intended to increase the total number of active service destroyers in Home waters in view of the large number with four-fifths crews which are attached to the Home Fleet?

Mr. GRETTON: Is it in contemplation to transfer any battleships to the Channel Fleet?

Mr. LAMBERT: No, Sir. I have said the armoured cruisers "Black Prince" and "Duke of Edinburgh" are to be transferred.

Militia Stores.

MR. YOUNGER (Ayr Burghs): I beg to ask the Secretary of State for War, whether he is aware that his predecessors have relieved a considerable proportion of the counties in Scotland of their liabilities, under the Militia Act of 1854, to provide stores and quarters for Militia battalions; and whether, in view of that partial relief, he will, when completing arrangements consequential upon the Territorial and Reserve Forces Act, consider whether an equitable agreement can be come to under which the remaining Scottish counties will be relieved of their obligations under the Act of 1854 to provide or maintain Militia stores and quarters.

THE SECRETARY OF STATE FOR WAR (Mr. HALDANE, Haddington): The reply to the first part of the Question is in the affirmative. As regards the rest of the Question, the whole matter is now receiving careful consideration.

Mufti Regulations.

MR. MILDMAY: I beg to ask the Secretary of State for War whether he will consider the possibility of extending the privilege of, under certain circumstances, wearing plain clothes, now granted to warrant officers and non-commissioned officers not below the rank of colour-sergeants, to men of lower ranks of good character.

MR. HALDANE: The extension of the privilege to wear plain clothes has only recently been made to certain classes of non-commissioned officers. Soldiers of good character are under existing regulations permitted at the discretion of their Commanding Officer to wear plain clothes on pass or furlough beyond the limits of the garrison in which they are quartered. It is not proposed to further extend this privilege.

Tidworth Cavalry Stables.

VISCOUNT TURNOUR: I beg to ask the Secretary of State for War whether the new cavalry stables at Tidworth have yet been commenced.

MR. HALDANE: It is understood that the contractor will commence building operations next week.

VISCOUNT TURNOUR: We have been told for the last two months that the work is about to be commenced.

The Scots Greys.

VISCOUNT TURNOUR: I beg to ask the Secretary of State for War on what date it is proposed to move the 2nd Dragoons (Royal Scots Greys) from Tidworth to Bulford; and for how long a period they will be stationed at the latter camp.

I beg also to ask the Secretary of State for War whether sufficient accommodation exists at Bulford mounted infantry camp for the whole of the personnel and horses of the 2nd Dragoons.

MR. HALDANE: As regards these Questions there is no intention of moving this regiment to Bulford.

VISCOUNT TURNOUR: Are we to understand that the regiment is to remain at Tidworth throughout the winter? Is the right hon. Gentleman also aware that on a former occasion he informed me that, if the barracks were not completed before the winter, the regiment would be temporarily removed?

MR. HALDANE: The noble Lord is to understand nothing of the kind. The horses will go to Bulford, if the stables are not ready in time. There is plenty of accommodation at Tidworth for the men. I must add that I am surprised at the number of Questions put to me about this matter. I know the gallant officers and men of the Scots Greys, and do not for a moment suppose they are so effeminate——[Laughter, which drowned the end of the sentence].

VISCOUNT TURNOUR: I am very much obliged to the right hon. Gentleman for his comment upon my Question. Is he aware that the distance from Tidworth to Bulford is five miles; and how does he suppose the squadron leaders are going to look after the men with the horses at Bulford during the winter months when they themselves are stationed at Tidworth?

MR. HALDANE: They will have to suffer a little inconvenience. At the urgent request of the hon. Gentleman and other Members, we moved this regiment from Piershill because the barracks were not sufficient and not sanitary. Necessarily this involved a little time before arrangements could be made under circumstances of great pressure. I am sure the regiment would be themselves the last to complain.

MR. ASHLEY: Do we understand that the regiment is to be quartered five miles away from their horses during the winter?

MR. HALDANE: You are to understand that; and the soldiers are thankful that they have not to put up with worse hardships.

VISCOUNT TURNOUR asked what arrangements the War Office proposed to make for the horses to be looked after at Bulford during the night? Were the men to sleep in huts or tents?

MR. HALDANE: There is abundance of houses at Bulford.

Cavalry Barracks.

VISCOUNT TURNOUR: I beg to ask the Secretary of State for War what reasons have led the War Office to depart from their previous policy of stationing cavalry in cavalry barracks.

MR. HALDANE: The Aliwal Barracks at Tidworth are being adapted for cavalry by provision of the necessary stables. There is no question of previous policy involved.

Medals for Meritorious Service.

SIR G. KEKEWICH (Exeter): I beg to ask the Secretary of State for War whether the awards of the meritorious conduct medal are made only to officers and non-commissioned officers above the rank of corporal; and, if so, whether there is any reason why the medal should not also be given to corporals and private soldiers.

MR. HALDANE: The medal for meritorious service is not awarded to officers, but only to warrant officers and sergeants. It carries with it an annuity not exceeding £20, and since its institution has always been confined to soldiers, or discharged soldiers, above the rank of corporal. The sum allotted for these annuities is not more than sufficient to meet the claims of warrant officers and sergeants. Corporals and privates may, after eighteen years service with an irreproachable character, be awarded the medal for long service and good conduct with a gratuity of £5.

The New County Associations.

SIR SAMUEL SCOTT (Marylebone, W.): I beg to ask the Secretary of State for War whether it is proposed to take steps to form County Associations throughout the Kingdom simultaneously or only in selected areas.

MR. HALDANE: I shall endeavour to start an association for every county in Great Britain during the coming autumn and winter. I have appointed a special Committee to assist] me in this work.

India and the Sugar Convention.

SIR GILBERT PARKER (Gravesend): I beg to ask the Secretary of State for India whether he will now have printed and distributed with the Votes the petitions presented from public bodies in India concerning the Sugar Convention, following the precedent of the Colonial Office.

THE SECRETARY OF STATE FOR INDIA (Mr. MORLEY, Montrose Burghs): Perhaps the hon. Member will move for the Papers. They will then be laid.

Panama Canal Labour.

MR. STAVELEY-HILL (Staffordshire, Kingswinford): I beg to ask the Under-Secretary of State for the Colonies whether the labourers engaged in the British West Indies for work on the Panama Isthmian Canal were informed that they would be permitted to take with them their wives and families.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.): No, Sir, not so far as I am aware.

Transvaal Finance.

SIR F. BANBURY (City of London): I beg to ask the Under-Secretary of State for the Colonies when the full statement of the financial position of the Transvaal, which he promised to lay before the House, will be issued.

MR. CHURCHILL: The Papers which were laid on Monday are expected to be issued in the course of this evening.

Transvaal Courts of Law—Access of Natives.

SIR CHARLES DILKE (Gloucestershire, Forest of Dean): I beg to ask the Under-Secretary of State for the Colonies whether His Majesty's Government have now received from the Transvaal any reply to their telegraphic inquiry as to the Bill published in an Extraordinary Government Gazette of Saturday 3rd August, abolishing the access of natives to the courts of law in respect of decisions administratively taken by which individual natives or whole tribes can be transferred against their will from one district to another.

MR. CHURCHILL: The Secretary of State is still awaiting an official answer to his inquiry. It would, however, appear from Press telegrams that the part of the Bill to which the right hon. Gentleman refers has been withdrawn.

South African Federation.

VISCOUNT TURNOUR: I beg to ask the Under-Secretary of State for the Colonies whether, having regard to the publication of the Command Paper on South African Federation, and the reasons urged in it for the union of the South African Colonies, His Majesty's Government propose to take any action in the matter.

MR. CHURCHILL: The Papers were published for the information of Parliament. It is for the people and the Government of South Africa to decide when and how any further advance in the direction of federation shall be made.

VISCOUNT TURNOUR: Do the Government contemplate offering advice or assistance in the matter?

MR. CHURCHILL: The Government will certainly give any assistance they can, bearing in mind, however, it is for them to follow and not initiate.

Isthmian Canal Commission.

MR. STAVELEY-HILL: I beg to ask the Secretary of State for Foreign Affairs whether he will state the circumstances under which it was lately held that the courts in the canal zone have no jurisdiction against the Isthmian Canal Commission for breach of contract.

THE FINANCIAL SECRETARY TO THE TREASURY (Mr. RUNCIMAN, Dewsbury; for Sir EDWARD GREY): My right hon. friend must refer the hon. Member to the reply returned to the hon. Member for Ecclesall on this subject yesterday.

Post Office Savings Bank Depositors—Investment in Consols.

MR. BOTTOMLEY (Hackney, S.): I beg to ask Mr. Chancellor of the Exchequer whether his attention has been called to the case of a Welsh quarryman whose savings in the Post Office Savings Bank, having reached the maximum sum allowed to be deposited, were from time to time, upon the advice of the postmaster invested in the purchase of Consols, and to the fact that in this way a sum of £500 was so invested at prices considerably over par, and that the quarryman in question, having now an opportunity of purchasing his home, finds that such Consols, if now sold, would realise only about £400; and whether he will arrange with the Postmaster-General that instructions shall be issued to local postmasters to the effect that, when advising depositors to invest their savings in Consols, they shall be informed of the risk of fluctuations in the market price of the same, and that there is no guarantee that, when wishing to realise, they will be be able to obtain a price equivalent to their investments.

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fifeshire, E.): No, Sir. My attention has not been called to the case referred to; but the official notices relating to the purchases of Government Stock through the Post Office Savings Bank clearly state that the Postmaster-General cannot take the responsibility of advising depositors with reference to their transactions or for any loss which may result from a fall in the price of the Stock between the dates of purchase and sale. If any postmaster has advised individual depositors otherwise, he has clearly been guilty of a breach of duty, of which due note will be taken, if the allegation is substantiated.

Post Office Purchases of Consols.

Mr. MYER (Lambeth, N.): I beg to ask Mr. Chancellor of the Exchequer whether he will state in detail what amount of Consols, then bearing interest at 2¾ per cent., were purchased on account of the Post Office Savings Bank in the year 1897, and at what prices.

Mr. ASQUITH: The total nominal amount of Consols purchased on account of the Post Office Savings Bank Fund in 1897 was, as shown by the Return, House of Commons 108 of 1905, £6,349,485 11s. 9d. and the average price paid was £112 6s. I do not think that any purpose of public interest would be served by setting out in detail each separate transaction.

Mr. MYER: Can the right hon. Gentleman give me the highest price paid in 1897 for Consols?

Mr. ASQUITH: I will inquire.

Trustee Savings Bank.

Mr. MYER: I beg to ask Mr. Chancellor of the Exchequer if his attention has been directed to a statement made by Mr. Gladstone in this House on 18th June, 1880, with reference to the Trustee Savings Bank, that the annual account is naturally and reasonably based upon the price of public securities on the day when the account is taken; and can he explain why the method of valuation which was natural and reasonable in 1880 is now abandoned.

Mr. ASQUITH: I am aware of the statement referred to. It is fair to point out that it occurred in a speech in which Mr. Gladstone proposed to adopt a different method in place of that of market-price valuation. In recent years, as I have frequently explained, the publication of these valuations has been discontinued in accordance with the recommendation of the Select Committee of 1902.

Savings Banks.

Mr. MYER: I beg to ask Mr. Chancellor of the Exchequer whether, having regard to the fact that while it is on all hands admitted that the savings bank should be self-supporting, there are, at the present time, deficiencies in the capital accounts of the Post Office Savings Bank, the Trustees' Savings Bank, and friendly societies, estimated, in the absence of official balance sheets, to amount to at least £15,000,000; that the interest on the securities held fell short last year by £133,000 of the united amounts of interest paid and working expenses; that while the banks are liable to the public for upwards of £200,000,000 they hold no reserve to meet claims; and whether, having regard to the foregoing facts, he will consider the advisability of appointing early next session a Select Committee to inquire into the whole question for the purpose of suggesting a means whereby the banks may be restored to a solvent condition.

Mr. ASQUITH: The hon. Member's calculation of the capital deficiency rests upon the method of valuation of securities at current market price, which was condemned as misleading by the Select Committee of 1902. As regards the deficiencies of annual income of the Savings Banks Funds, it must be borne in mind that in the case of the Post Office Savings Banks the Exchequer has gained considerably more from the surpluses on that account in former years than it has had to provide to make good the deficiencies of recent years; while the deficiency on the Trustee Savings Banks Account last year was less than £10,000, and is being gradually reduced.

Inland Revenue Department.

Mr. BAKER (Finsbury, E.): I wish to ask the Chancellor of the Exchequer the following Question, of which I have given him private notice:—Whether his attention has been called to a report on the work and organisation of the Inland Revenue Department published in the daily Press on the 12th inst., and purporting to be prepared at the request of the right hon. Gentleman; whether such report has official sanction; and if this report, apparently reflecting upon the honour, honesty, and competency, among others, of the assessors and collectors of Government taxes, represents the opinion of the Board of Inland Revenue.

Mr. ASQUITH: My attention has been called to this matter. I understand that my hon. friend the Member for Cheltenham has since written to the Press explaining that the suggestion that the report in question was prepared or published at my request is wholly without foundation. It simply formulates a number of allegations and suggestions which my hon. friend has made from time to time, and for which he alone is answerable. I disclaim for myself and for the Board of Inland Revenue all responsibility for what it contains.

Metropolitan Police.

MR. J. RAMSAY-MACDONALD (Leicester): I beg to ask the Secretary of State for the Home Department whether he will be prepared to sanction the formation of a Metropolitan Police Association and, if formed, to recognise the association, in order that the members of the Metropolitan Police Force may be able to approach him, or the Chief Commissioner, jointly, and thus be on the same footing as Post Office or other Government servants whose associations are recognised by the heads of the several Government Departments under whom they serve.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.): No, Sir. The public safety depends on the discipline and obedience of the police—a fact which I am confident is fully recognised by the police—and such an association might tend to impair the ready obedience to orders which is essential in a highly disciplined force. The police can and do submit their grievances if they have any to the Commissioner and through him to the Home Secretary, and the admirable character and services of the force constitute an added claim for the prompt consideration of all reasonable representations which the Commissioner and the Home Secretary are always ready to give to them.

Lambeth Licensing Prosecution.

MR. BOTTOMLEY: I beg to ask the Secretary of State for the Home Department whether his attention has been called to a statement by a police inspector in a recent case at the Lambeth police court to the effect that the Commissioner of Police had issued an order directing that a licensed victualler, charged with selling intoxicating liquor to a drunken person, was not to be permitted to have such person examined by a private doctor; and will he say whether such order has been issued, and, if so, whether it has received the sanction of the Home Office.

MR. GLADSTONE: There is a rule in operation to the effect that in cases of drunkenness medical men are called in at the instance of the person charged, but not at the instance of third parties. As a considerable time must always elapse between the discovery of a drunken person on licensed premises and the decision to issue a summons against the licensee, there would seldom be anything gained by allowing a licensee against whom a charge has been made to have the person who was drunk examined by his own medical man. To meet the case so far as possible, however, there is a rule that when proceedings are likely to be taken against a licensee, the divisional surgeon of police is to be called in to examine the drunken person. The working of the Rules I have mentioned is under my consideration.

Antwerp Strike.

MR. ARTHUR HENDERSON (Durham, Barnard Castle): I beg to ask the Secretary of State for the Home Department whether he is aware that on the 3rd instant a vessel from Antwerp was loaded with workmen at the Royal Albert Dock, London, for conveyance to Antwep to take the place of workmen on strike, each man selected to go being stamped with an indiarubber stamp; and whether he can take any steps to stop this practice in the interests of the good name of the country.

MR. GLADSTONE: I have no information on this matter other than that contained in the hon. Member's Question, but in any case I have no authority to interfere.

Calf Lymph Production.

MR. WEIR (Ross and Cromarty): I beg to ask the President of the Local Government Board, in view of the fact that a sum of £1,350 is set down on the current Estimates for the hire of calves for the production of glycerinated calf lymph, will he state the number of calves hired for this sum and the average age of calves so hired.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. JOHN BURNS, Battersea): The sum of £1,350 is the amount estimated to be required for the hire of calves during the current year. The number of calves hired will depend on the number found to be necessary from time to time during the year, and it cannot at present be stated what that number will be. The number hired up to 30th June last was 203. The average age of the calves hired last year was four months.

Mr. WEIR: Why does the right hon. Gentleman estimate for £1,350 this year, which is double the amount found necessary for last year? Does he anticipate a terrible outlay for small pox?

Mr. BURNS: I have no reason to assume that such a calamity will occur.

Mr. WEIR: I beg to ask the President of the Local Government Board, in view of the fact that during the last financial year the Board paid a sum of £860 17s. 6d. in respect of the hire of 505 calves for the production of glycerinated calf lymph, and that these calves were not on hire for more than a fortnight, whether he will explain why the Board find it necessary to pay so large a sum as 34s. for the use of a calf for a fortnight.

Mr. JOHN BURNS: Before the lymph obtained from any calf is used, the calf is slaughtered and the carcase undergoes dissection and examination in order that it may be ascertained that the animal was in perfect health and free from any taint of tuberculosis. The amount paid includes a sum for the depreciation of the value of the carcase owing to the post-mortem examination. It has not been found practicable to obtain suitable calves at less terms than those now paid.

Victoria and Albert Museum.

Sir WILLIAM ANSON (Oxford University): I beg to ask the President of the Board of Education whether he is now in a position to make any statement as to the appointment of a Consultative Committee for the Victoria and Albert Museum.

The PRESIDENT of the BOARD of EDUCATION (Mr. McKenna, Monmouthshire, N.): The matter has been having my careful consideration, and I am now in communication with the Treasury about it. I hope to have arrived at a satisfactory organisation in the early autumn, but am not yet in a position to make any statement, as the matter is still incomplete.

Merioneth Schools Disputes.

Lord R. CECIL: I beg to ask the President of the Board of Education whether he will lay upon the Table a copy of the correspondence which has passed between the Board and the Merionethshire local education authority relative to the payment of the salaries of the teachers in the non-provided schools there.

Mr. McKENNA: This correspondence is still proceeding. When it is complete I shall be happy to lay it upon the Table.

Education Examiners.

Sir G. KEKEWICH: I beg to ask the President of the Board of Education whether in that office promotion by merit to the Higher Division or Examiners' Class is absolutely barred to Second Division clerks; whether in the outdoor staff a similar barrier exists in practice between the inspectors and sub-inspectors; whether the examiners and inspectors are appointed by nomination without examination; and, if so, whether he will take steps to modify the existing system of appointment and promotion.

Mr. McKENNA: The replies to the first and second paragraphs of the Question are in the negative, and to the third in the affirmative. The Question in the fourth paragraph, therefore, does not arise as regards promotion; while, as regards appointment, it has been having my consideration, but I am not prepared to make any statement in regard to this.

School Accommodation Regulations.

Sir G. KEKEWICH: I beg to ask the President of the Board of Education whether, in provided schools, the limit of accommodation sanctioned by the Board is the seating at desks and benches, or 10 square feet of area per child; whether, in non-provided schools, the limit allowed is constantly 8 square feet per child and, if so, why a child in a non-provided school requires less space than one in a provided school; and whether he can state the number of cases in which additional accommodation would be necessary if 10 square feet were required in every school, and the approximate cost to the rates.

MR. MCKENNA: My hon. friend will find on page 7 of the List of Public Elementary Schools recently issued by the Board of Education (Cd. 3510 of 1907) an account of the principles upon which the accommodation of schools has been settled in the past. Speaking generally, all schools or class-rooms which were originally recognised subsequent to 1890 are assessed on the 10 square feet basis for older children, and on either the 8 square feet or 9 square feet basis for infants. Schools erected prior to 1890 with the aid of a loan were also assessed on the 10 square feet basis, but there are a considerable number of council schools whose accommodation is calculated at 8 square feet per child. I have no information as to the last paragraph, but I am taking steps to obtain it.

Dundee Postal Staff.

MR. WILKIE (Dundee): I beg to ask the Postmaster-General whether he is able to state an approximate date when the revision in the sorting office at Dundee, which has been under consideration for some eighteen months, is likely to come into effect.

I beg also to ask the Postmaster-General whether he has decided that the telegraph branch of Dundee is overstaffed; if so, how many appointments are to be allowed to lapse, and how many hours overtime were worked in that department during last year; and, seeing that there are several learners, several of whom have service of three and a half years, will he see that they are appointed before any appointments are allowed to lapse and that the four vacancies which exist at present are filled without undue delay.

CAPTAIN NORTON (Newington W., for Mr. SYDNEY BUXTON): It will be convenient to deal with the hon. Member's two Questions together. The settlement of the revision of the Dundee Post Office, a matter of much intricacy, has been delayed owing to the necessity of considering it in connection with questions of a general nature which have been occupying attention. I am unable to mention any approximate date; but the hon. Member may rest assured that the matter will be carried through as soon as circumstances permit. In the meantime I am unable to furnish details on some of the points raised by the hon. Member, and I will communicate with him on the subject.

Confidential Reports in the Post Office.

MR. CLAUDE HAY (Shoreditch, Hoxton): I beg to ask the Postmaster-General whether he will extend to officers of all grades in the Post Office similar regulations to those already in force in the Army, Navy, and Royal Marines, which require that an annual confidential report by superior officers on a subordinate, which is of an adverse character and affects his fitness for his present position or for promotion to a higher one, shall be read verbatim to him by his superior officer; and whether the Postmaster-General will direct the heads of departments to communicate to a subordinate the result of a report which is held to prejudice his chances of further advancement in the service; and, if so, whether a copy of such instructions will be laid upon the Table of the House at the same time they are promulgated.

CAPTAIN NORTON: As the hon. Member is aware the question of confidential reporting in the Post Office has lately received the consideration of the Select Committee on Post Office Servants of which he was a member, and my right hon. friend will give their recommendations careful consideration. I may add it is somewhat unreasonable to expect the Postmaster-General to answer questions in reference to this Report in a space of a few weeks, considering the intricate questions it deals with, questions which it took the Committee two years to report on.

Valuation of Scottish Sheep Stocks.

MR. MORTON (Sutherland): I beg to ask the hon. Member for South Somersetshire, as representing the President of the Board of Agriculture, whether the President of the Board of Agriculture has yet come to any decision with regard to the valuation of sheep stocks in Scotland under The Agricultural Holdings

Act, 1906; and, if so, will he give this House particulars as to the result.

THE TREASURER OF THE HOUSEHOLD (Sir EDWARD STRACHEY, Somersetshire, S.): The question to which my hon. friend refers is receiving very careful consideration at the hands of the Government, but we are not yet in a position to make any further statement respecting it. We shall, however, endeavour to do so with the least possible delay. I may add that the question is somewhat more complicated than might be supposed, inasmuch as the answer to be given in each case depends upon the terms of the agreement or lease, and these are by no means uniform.

The Public Trustee.

MR. BOTTOMLEY: I beg to ask the Secretary to the Treasury whether, in accordance with the provisions of Subection 3 of Section 8 of the Public Crustee Act, the Treasury has required that the Public Trustee shall be a person ılready in the public service.

MR. RUNCIMAN: No, Sir.

MR. BOTTOMLEY: Am I to gather from that Answer that, inasmuch as the Treasury have not exercised their statutory powers of requiring that a Public Trustee should be a gentleman already in the public service, they agree with the view of the Lord Chancellor that the chairman of Allsopp's Brewery is the best qualified person available for that post?

MR. RUNCIMAN: I do not know exactly what the view of the Lord Chancellor is. I, at all events, concur in it.

Neath Land Tax Commissioners.

SIR D. BRYNMOR JONES (Swansea District): I beg to ask the Secretary to the Treasury whether he is aware that Mr. Thomas Leyson, as clerk to the Land Tax Commissioners for the division of Neath, in the county of Glamorgan, convened a meeting of the Land Tax Commissioners for that division for 30th January, 1907, by advertisement in the *London Gazette*, but did not send a notice of such meeting to each of the Land Tax Commissioners for such division as provided by The Land Tax Commissioners Act, 1906; whether he is aware that the said clerk alleges that, at a meeting held in pursuance of the notice by advertisement in the *London Gazette* on the said 30th January, twelve persons were appointed to be General Commissioners of Income Tax to supply vacancies in the list of General Commissioners of Income Tax for the said division; whether he will ascertain if, in fact, any such meeting was held, and who were present thereat; whether, if such a meeting was held, appointments of General Commissioners of Income Tax made thereat are valid; and if the appointments, if any, made at the said meeting are invalid, will he take steps to secure the proper appointment of General Commissioners of Income Tax for the said division.

MR. RUNCIMAN: The Act of last session did not impose on the clerk to the Land Tax Commissioners the duty of giving notice of all meetings to each Commissioner. The Act directs that this notice is to be given in such manner as the Treasury may prescribe. It is true that the Regulations which the Treasury issued under the Act have now imposed this duty on the Clerk, but at the time when application for this meeting was made to the Board of Inland Revenue and indeed when the meeting was actually held the Treasury regulations had not been issued and the meeting was accordingly convened in the ordinary way, after notice had been duly inserted in the *Gazette*. In these circumstances the Board of Inland Revenue have been advised that the appointments made at the meeting were valid.

Customs Statistical Assistant Clerks.

MR. CURRAN (Durham, Jarrow): I beg to ask the Secretary to the Treasury whether a Treasury letter, dated 4th June, 1907, has been communicated to the assistant clerks (new class) in the Statistical Office, Customs, threatening them with punishment unless they withdrew the charge they have made that the conditions under which they were induced to enter the Civil Service are not being observed; whether the assistant clerks in reply have fowarded a memorial to the Commissioners of Customs for transmission to the Treasury in which they directly traverse the accuracy of the statements contained in the Treasury letter, repeat their charge, and attach copies of official documents in substantiation of their statements; and, if so, whether this reply has been received at the Treasury.

MR. RUNCIMAN: No threat of punishment was held out in the communication to which the hon. Member refers. The Treasury have merely declined to consider any applications from the clerks in question for special promotion, until the charge of a "breach of faith" has been withdrawn; and I see no reason to depart from that decision.

Civil Service Old Writers.

SIR G. KEKEWICH: I beg to ask the Secretary to the Treasury whether he is aware that the old writers who have been recently discharged from the Civil Service average over seventy-five years of age and over thirty-five years service; and whether he will grant them any further gratuity beyond £100 each.

MR. RUNCIMAN: The subject of these old writers was fully dealt with by my predecessor last year both by way of Answers in this House to Questions by my hon. friend, and by correspondence. I fully concur in the view which he took of the case, and I fear that I must decline to re-open the question.

SIR G. KEKEWICH: Cannot the right hon. Gentleman apply to these cases the precedent set in the cases of Lord Roberts and Lord Cromer?

[No Answer was returned.]

Select Committee on Post Office Servants Report.

MR. RENDALL (Gloucestershire, Thornbury): I beg to ask the hon. Gentleman the Member for East Bristol a Question of which I have given him private notice. It is as to a statement by Mr. W. B. Cheesman, of the Fawcett Association, that the Report of the Hobhouse Committee was so revised by the Department before its presentation to Parliament as to make it unrecognisable. I wish to know if there is any foundation for that statement.

THE UNDER-SECRETARY OF STATE FOR INDIA (Mr. CHARLES HOBHOUSE, Bristol, E.): I have seen the statement referred to. Mr. Cheesman was a witness before the Committee on behalf of the Fawcett Association, which is the organisation of the sorters in London. There is absolutely no truth in the statement attributed to him that the Report was sent to the Department for revision, or that it was revised by them. I, as Chairman of the Committee, prepared the Report in accordance with decisions taken upon each class of evidence, within a few days of hearing the witnesses thereon; though the task of summarising and collating the decisions necessarily occupied a long period of time subsequently. There is no substantial difference between the decisions thus originally taken and those embodied in the Report, though, as the House will understand, decisions taken on very numerous and complex scales of pay were and could be only provisional, and required in some cases modification, and in others augmentation, when the earlier decisions came to be reviewed in the light of the later ones. Calculations were made for me by the financial experts as to the total cost of each alteration in the conditions of service or scales of pay, though, as I have pointed out, these were not permitted to affect the Draft Report. This was done with the approval of my colleagues, though the results were expressly not communicated to them, lest bias from financial considerations should subsequently be suggested. I would further mention that it is expressly pointed out in paragraph 530 of the Report that the Department were asked to work out the details of a scheme, the principles of which were originated by the Committee. The scheme subsequently presented by the Department was considerably altered in the Draft Report, to the advantage of the staff. A further statement has appeared in the Press that before the Report was submitted to the Committee, copies of it were sent to the Cabinet. This statement is without any foundation or truth. No copies of the Report were given or sent, so far as I know, to anyone save members of the Committee. If copies of the draft or completed Report have reached anyone before the Report was laid on the Table, they were procured by improper and underhand methods, without my knowledge and against my wish, and, as I am assured, contrary to the desire of the other members of the Committee.

Deceased Wife's Sister Bill.

LORD R. CECIL asked the Chairman of the Committee on Petitions what was the number of petitions presented for and against the Deceased Wife's Sister Bill.

MR. H. J. WILSON (Yorkshire, W.R., Holmfirth) replied that one petition had been received in favour of the Bill; 129 against, bearing 7,724 signatures.

Irish Teachers' Grievances.

MR. SLOAN (Belfast, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he has recommended to the consideration of the Education Board the grievances which national school teachers suffer under by the abuse of the arbitrary power of dismissal vested in the managers: and, if so, can he state with what result.

THE CHIEF SECRETARY FOR IRELAND (Mr. BIRRELL, Bristol, N.): Yes, Sir, I communicated to the Commissioners of National Education an expression of the Irish Government's opinion that, if it were at all possible, effect should be given to the desire of the teachers for some protection against arbitrary dismissal. The Commissioners subsequently informed me that they had specially considered the matter. They think it desirable that a referee should be available in the case of dismissal of teachers, and two out of the four forms of agreement between managers and teachers which are in use provide for the appointment of a referee. The Commissioners, however, hold that they have no power to compel managers to adopt a form of agreement containing that provision.

In answer to a further Question—

MR. BIRRELL said the Commissioners submit these forms of agreement, and use such influence as they have to persuade the managers to adopt one form or the other, but they have no power to compel them to do so.

Irish National Education Board.

MR. PATRICK O'BRIEN (Kilkenny): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will give the dates on which meetings of the National Education Board have been held between the 1st July, 1906, and 30th June, 1907; the names of the Commissioners present at each of these meetings; the number of meetings attended by each of the twenty Commissioners during the twelve months in question; and the remuneration in the way of salary or expenses, etc., paid to each Commissioner for each meeting attended.

MR. BIRRELL: The Answer to this Question consists mainly of a lengthy tabular statement which it would be more convenient to publish with tonight's Votes, and with the hon. Member's permission I will adopt that course.

Knox Estate, Sligo.

MR. O'DOWD (Sligo, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that the tenantry on the Knox estate, situate in Geevagh, near Riverstown, in the county of Sligo, have recently endeavoured to purchase their holdings from the landlord, Utred A. Knox, Esq.; whether he is aware that these offers of the tenants have been rejected by the landlord, who is an absentee; and whether, seeing that the landlord refuses to sell only on the basis of prohibitive prices, the Estates Commissioners will be asked to intervene with the view of bringing about a sale in this case.

MR. BIRRELL: The Estates Commissioners have no information in respect of the estate referred to. If, however, it be the case that the parties have failed to agree as to terms of sale, the Commissioners will, on being furnished with particulars, consider whether the case is one in which they might usefully offer their services as conciliators under the regulations.

Irish Teachers' Civil Rights.

MR. BARRIE (Londonderry, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Commissioners of National Education have taken any action in the direction of carrying out the Chief Secretary's recommendation in favour of restoring civil rights to the teachers.

MR. BIRRELL: The reply is in the negative. For full particulars I would refer to the Answer which I gave to the hon. Member for East Kerry on 13th May.†

Irish Education Code.

MR. BARRIE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will ask the Commissioners of National Education to make arrangements whereby their codes and syllabuses will be laid upon the Table of the House of Commons for, say, one month before coming into operation.

MR. BIRRELL: The Commissioners of National Education inform me that it has never been the practice to place upon the Table of the House of Commons their codes and syllabuses, and that they see no reason for making a new departure in the matter.

MR. SLOAN: Will the right hon. Gentleman say why they object?

MR. BIRRELL: They simply stated that it had never been their practice. I think, however, it would be a desirable thing if they were to do it.

MR. BARRIE: Will the right hon. Gentleman make representations to the Commissioners to that effect?

MR. BIRRELL: I will do my best to ingratiate myself with that body.

Lismore Union Clerkship.

MR. ASHLEY: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Local Government Board have sanctioned the appointment of an uncertificated bankrupt to the clerkship of the Lismore Union; whether the person appointed was connected with the Tallow conspiracy; and, if so, whether there is any precedent for the appointment of an undischarged bankrupt to such a position.

MR. BIRRELL: It is the fact that the clerk in question was, more than four years ago, in company with a number of other persons, cast in heavy damages in a civil action for what was known as the Tallow conspiracy, and was made a bankrupt in respect of the judgment debt and costs. I am not aware of any former precedent, but the Local Government Board, after full consideration and seeing the clerk in question, have not thought fit to refuse their sanction to the appointment.

MR. ASHLEY: May I ask what circumstances have arisen to justify that action in view of the fact that the late Chief Secretary (Mr. Bryce) refused to sanction the appointment of a man guilty of a criminal conspiracy.

MR. BIRRELL: Since that time the case has received fuller consideration.

MR. ASHLEY: Does he remain an undischarged bankrupt?

MR. BIRRELL: The hon. Gentleman does not say that at all, but there are circumstances connected with every case which require consideration and the debt in respect of which this man was made a bankrupt was of such a character as to amount to the perpetual exclusion of him for life from any such service as this. After full consideration the Local Government Board came to the conclusion that they saw no reason why, in this particular case at all events, sanction should not be given.

MR. ASHLEY: Then the right hon. Gentleman does not deny that the man was guilty of a criminal conspiracy?

MR. BIRRELL: No. Damages were recovered in the civil action.

LORD R. CECIL: Will the right hon. Gentleman state what were the reasons given by the Court for declining to give him his discharge in bankruptcy?

MR. BIRRELL: I should like to have notice of that Question. But I quite agree that the refusal may have been made when application was made to obtain his discharge, but even as to that I am not quite sure. All I can say is that I gave the matter a most careful consideration. I have seen the gentleman in question. I placed myself in communication with him and I came to the conclusion that he was a perfectly qualified person to discharge the duties of this office to which he was nominated, not by me but by the Board.

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† See (4) *Debates*, clxxiv., 581.

Ballindereen Outrage.

Mr. LONSDALE (Armagh, Mid.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he has received information respecting the firing at Patrick Sheehan, of Ballindereen, when returning from Galway on 5th August; whether Sheehan was wounded; whether he has been fired at previously; and whether any arrests have been made in connection with this outrage.

Mr. BIRRELL: Yes, Sir. Patrick Sheehan was fired at when returning from Galway on the night of the 5th August. He received several grains of shot in the hand and leg. He had not been fired at previously, but his house was fired into upwards of a year ago. No arrests have been made in connection with the present outrage. The night was dark and Sheehan did not see his assailants.

Mr. LONSDALE: Will the right hon. Gentleman say why no arrests have been made? Have the police made no endeavour to make arrests?

Mr. BIRRELL: Yes, the police have made every endeavour, but if you are shot on a dark night by persons you do not see it is not always possible to make arrests.

Mr. MOORE (Armagh, N.): Are there so many suspects in this district that the police have no idea as to possible identity?

[No Answer was returned.]

Borrisokane Cattle Driving Prosecution.

Mr. LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to the proceedings at Borrisokane petty sessions on 7th August in connection with the charge against twenty men of illegal assembly, trespass, and driving cattle off the grazing lands of Lisnagower and Spring Park; will he state the result of the prosecution and how many magistrates were on the bench; and what further proceedings are to be taken.

Mr. BIRRELL: There were two cases of unlawful assembly for hearing at the petty sessions referred to, and there were fifteen defendants in one case and eleven in the other. One case was fully heard, with the result that the bench was equally divided in opinion, and the case was therefore adjourned. Owing to the lateness of the hour the second case was also adjourned. The Court consisted of sixteen magistrates. The cases will be heard at the next petty sessions on the 4th proximo.

Ahascragh School.

Mr. LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that some time on the 5th and 7th instant the Weston schoolhouse, at Ahascragh, near Ballinasloe, which is used as a parochial hall, was broken into and wanton destruction committed both to the building and its contents; and whether the police have any clue as to the motive for the outrage or the perpetrators.

Mr. BIRRELL: The reply to the first part of the Question is in the affirmative, and to the second part in the negative.

Ballyshannon Cattle Driving.

Mr LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to the fact that gates were removed recently from a grazing farm near Ballyshannon, and a thick stone wall levelled and the cattle driven off the lands; whether police have been drafted from this neighbourhood for service in Belfast; and whether the authorities have any information as to the perpetrators or the object of the outrage.

Mr. BIRRELL: The police authorities inform me that the facts are as stated in the Question. Three constables were recently transferred from Ballyshannon to the north of Ireland, but their places have been filled up. The police have not succeeded in tracing the offenders.

Ballinamore Disturbances.

Mr. LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to the circumstances connected with a charge brought against thirteen men at Ballinamore, county Leitrim, of resisting the service of writs; is he aware that the men were armed with pitchforks, hedgeknives, scythes tied on the tops of stakes, and other implements, and they successfully defied the officers of the law; will he state the result of the prosecution; and whether he is aware that many magistrates are afraid to do their duty in such cases.

MR. BIRRELL: At Ballinamore Petty Session, on 27th July, proceedings were taken by the police against thirteen men with the object of requiring them to find sureties to be of good behaviour. The evidence was to the general effect stated in the Question. The magistrates by a majority refused the application. I am not aware of any foundation for the suggestion contained in the concluding part of the Question.

Tullamore Grazing Farm.

MR. MOORE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he is aware that the Estates Commissioners, some fifteen months ago, completed the purchase of a large grazing farm, the property of Messrs. Denning, about four miles from Tullamore, and divided it among adjoining small farmers without payment, but subject to purchase annuities, and that one of these tenants has just sold his allotment for £100 while retaining his original farm; and whether, seeing that the fact that the allotment is now in the possession of one occupier and the farm in that of another has defeated the purpose of the transaction, he proposes to take any, and, if any, what action in the matter.

MR. BIRRELL: The Estates Commissioners inform me that they have no knowledge of a sale by any of the purchasers in question, but if the hon. and learned Member will give the name of the person to whom he refers, the Commissioners will make inquiries in the matter.

The Belfast Riots.

MR. CURRAN: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he has any further information to place before the House with regard to the condition of affairs in Belfast.

MR. BIRRELL: I am glad to be able to report that from information I received last night it was quiet in Belfast and things are looking well this morning. Representatives of the Board of Trade have arrived and are busily engaged in holding a conference. I have every hope that a speedy agreement may be arrived at.

Loch Shieldaig Salmon Prosecution.

MR. WEIR: I beg to ask the Secretary for Scotland, in view of the fact that the expenses incurred in the prosecution of two men for being in a boat at sea at Loch Shieldaig, Ross-shire, on the 14th and 21st May, on a charge of intent to take salmon, were defrayed by the Local Fishery Board, will he state the names of the members of that Board and when it was constituted.

THE SECRETARY FOR SCOTLAND (Mr. SINCLAIR, Forfarshire): The Board, which was constituted in 1888, consists of Mr. Murray of Loch Carron, and the Earl of Lovelace.

Closure by Compartments.

MR. MONTAGU (Cambridgeshire, Chesterton): I beg to ask the Prime Minister whether, having regard to the views expressed by Members of all political Parties and by members of the Government on behalf of the Government as to the defects and disadvantages of closure by compartments, he can make any announcement which would lead to at least the hope that he will ask the House early next Session to consider the establishment of a Committee of Public Business.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMBPELL-BANNERMAN, Stirling Burghs): The matter will be duly considered during the Recess.

SELECTION (STANDING COMMITTEES).

Sir WILLIAM BRAMPTON GURDON reported from the Committee of Selection; That they had discharged the following Member from the Standing Committee on Scottish Bills (added in respect of the Sheriff Courts (Scotland) Bill): Sir Samuel Scott; and had appointed in substitution (in respect of the Sheriff Courts (Scotland) Bill): Mr. Gibbs.

Report to lie upon the Table.

FACTORY AND WORKSHOP BILL [LORDS.]

Reported, with Amendments, from Standing Committee B.

Report to lie upon the Table, and to be printed. [No. 306.]

Minutes of the Proceedings of the Standing Committee to be printed. [No. 306.]

Bill, as amended (in the Standing Committee), to be taken into consideration upon Monday next, and to be printed. [Bill 315.]

CABS AND STAGE CARRIAGES (LONDON) BILL.

Reported, with Amendments, from Standing Committee B.

Report to lie upon the Table, and to be printed. [No. 307.]

Minutes of the Proceedings of the Standing Committee to be printed. [No. 307.]

Bill, as amended (by the Standing Committee), to be taken into consideration upon Monday next, and to be printed. [Bill 316.]

PUBLIC PETITIONS COMMITTEE.

Fourth Report brought up, and read; to lie upon the Table, and to be printed.

POLICE AND SANITARY COMMITTEE.

Special Report brought up, and read; to lie upon the Table, and to be printed. [No. 308.]

Minutes of Proceedings to be printed. [No. 308.]

NEW BILLS.

WOMEN'S ENFRANCHISEMENT (No. 2) BILL.

"To enable Women to vote at Parliamentary Elections," presented by Mr. Dickinson; supported by Sir Charles M'Laren, Mr. Burt, Mr. Corrie Grant, Mr. Fenwick, Mr. Gulland, Mr. Snowden, Mr. Howard, Mr. Ramsay Macdonald, Mr. Hart-Davies, Mr. Charles E. Price, and Mr. Charles Roberts; to be read a second time upon Wednesday next, and to be printed. [Bill 319.]

PUBLIC HEALTH ACT (1875) AMENDMENT (WATER RIGHTS) BILL.

"To empower Local Authorities to acquire Water Rights otherwise than by agreement," presented by Mr. Leif Jones; supported by Mr. Brace, Mr. Luke White, Mr. Shackelton, and Mr. Charles Roberts; to be read a second time upon Wednesday next, and to be printed. [Bill 320.]

SMALL HOLDINGS AND ALLOTMENTS BILL.

As amended (by the Standing Committee), further considered.

*MR. WEDGWOOD (Newcastle-under-Lyme) moved an Amendment providing that where a council proposed to purchase land compulsorily under the Act it might submit to the Board an Order "for the compulsory purchase of the land specified in the Order." The effect of the alteration, he said, would be to put the purchase of land by the local authorities for the purposes of small holdings on all fours with the hiring of land for small holdings. As far as the hiring clauses of the Bill were concerned, the Lands Clauses Consolidation Act of 1845 was no longer operative, and the first schedule alone governed the price which the arbitrator had to give. All he desired by the Amendment was to confer the same power on local authorities in respect of the purchase of land. The Solicitor-General in his speech had pointed out that these purchase clauses, governed by the Land, Clauses Consolidation Act, had been oppressive to railway companies and municipalities. Indeed, the right hon. Gentleman had used a stronger word than "oppressive"; he had said that the clauses were strangling railway and municipal enterprise. At all events, it was notorious that under the Lands Clauses Consolidation Act of 1845, railway companies and municipalities, going to arbitration, had to pay a price for land which was far in excess of its value. He would like to give hon. Members a single instance of this. A learned King's Counsel in that House had told him that one of the first cases he conducted was that of the North Eastern Railway, who desired to alter two level crossings at Bridlington, and in order to effect this change the company required the use of the land about the crossings to make a temporary way for the public. The actual value of these pieces of land was about £10 apiece, but a claim was put in for £5,000. The matter went to arbitration and, despite the expert witnesses called by the company, judgment for £2,500 for each piece was given. This sum the company had to pay before they could acquire the land. That was an example of the working of the Lands Clauses Consolidation Act, and yet it was under that Act that they proposed to restore the land to the people. He would appeal to all hon. Members who were anxious that the Bill should be a success, and that the small holdings established under it should be successful, to vote for the Amendment. It was not possible to conceive any small holder being successful who started burdened with the excessive price he would be called upon to pay for his holding under the present purchase clauses of the Act, or with the heavy rent based upon such excessive price. A small holder who had to pay for interest and sinking fund upon three or four times the market value of the land could not possibly hope to succeed. Hon. Members might say that so far as the present Bill was concerned the Lands Clauses Act of 1845 was modified by the directions contained in Schedule 1, and this then prevented any chance of these excessive prices. That was evidently not the opinion of the Solicitor-General, who did not put much faith in the schedule in his speech yesterday. And the right hon. Gentleman in charge of the Bill was obviously of the opinion that the schedule was not of much importance; for he accepted an Amendment in the schedule making the words governing purchase the same as those governing the hire of land, and in doing so, he said the Amendment was of no importance whatever and was perfectly innocent, but as it would do no damage, the Government might accept it. The Government and the Opposition knew that such a direction in the schedule was absolutely inoperative, because until the Lands Clauses Act of 1845 was abolished all the directions and qualifications in the schedule might be treated as so much waste paper. It might be said that he was only discussing compulsory purchase and that this only led to arbitration and excessive prices, whereas, under the Bill, in most cases purchase would be by agreement. If that were the argument he would point out to the House that railways and municipalities, and all those who paid high prices for land, had also every opportunity of purchasing by agreement. They did not go to arbitration and pay ten, twenty, perhaps thirty, times more for the land than it was worth simply for the love of the thing. They had to pay that high price because the agreement price was governed by the price which could be obtained under arbitration. Therefore, whether local authorities were purchasing small holdings, or railway companies were buying land for level crossings, or municipalities were acquiring land for schools, in all these cases they would be forced to pay arbitration prices for the simple reason that the agreement price would be based on that arbitration price. All hon. Members who desired to see the purchase clauses in the Bill work satisfactorily ought to vote for his Amendment. It was only by voting for such an Amendment that it would be possible for the purchase clauses of the Bill to be of use. Let hon. Members remember that they had in course of passing into law a Valuation Bill for Scotland, and they also hoped to pass a similar measure for England, which would have the effect of fixing the capital market value of the land. By such a measure they would have a sure and certain guide for the purchase of land for purposes of public utility. A short clause such as he proposed in his next Amendment, fixing the price paid for small holdings and allotments at the price fixed for the valuation of that land would give them a basis to work on and would free them from the shackles of the Act of 1845, substituting in its place a fair, uniform, and general basis. But the Solicitor-General argued that this was pre-eminently a hiring Bill, not a purchase Bill. And yet what were these hiring clauses worth? As they stood, county councils could not hire land for more than thirty-five years, and at the end of that period the landlord could resume possession, and all the capital which the local authority had invested on the land, the improvement also which would be the result if the small holding were a success, would revert to the landlord. The sinking fund and interest upon that capital, which on account of the short period of the lease were sure to be heavy, would have to be paid by the tenant. Therefore it amounted to this: If the county council hired land they must avoid putting into it invested capital, for the reason that neither they nor the tenant would get the value of it, but, instead, it would be enjoyed by the landlord. He knew that there was a special clause which gave the local authority the power to renew the lease at practically the same rent at which it was first obtained, and that a valuer was not to give the landlord any increased rent on account of improvements carried out by the county council or the small holder; also that he was not to increase the rent on account of the success of the holding or of the holdings in the neighbourhood. But this clause was only operative where the hiring was compulsory and did not apply in cases where the holding had been hired by agreement. Everyone knew that the compulsory hiring powers contained in the Bill had only been put in to act as a screw, and that in ninety-nine cases out of a hundred the hiring would be done by agreement. In all cases where there was an agreement the State would have absolutely no *prima facie* right to renew the tenancy. It was an important point which he hoped the Government would realise and alter before the Bill became law. He trusted that they would make a condition that the State should have the right to renew a tenancy which had been acquired by agreement in precisely the same way as if that tenancy had been acquired compulsorily. In the matter of hiring tenancies he would especially advise county councils and local authorities not to hire by agreement but compulsorily, and above all never to hire where there was likely to be any building. Local authorities should be very careful before they burnt their fingers with any land which was likely to be wanted for building purposes and where, hired by agreement, the landlord could resume possession. When resuming possession the landlord would pay compensation to the local authority, who in its turn, would pay compensation to the small holder, but in every case where such resumption by the landlord took place it would be the poor local authority who would lose on the deal. It was bound to be so, because the landlord would compensate the local authority under the Agricultural Holdings Act, and the compensation under that Act was very small indeed, whilst on the other hand, the local authority would have to compensate the tenant under the Market Gardeners' Act, which, of course, was extremely high compensation. Thus the House would see that the small holder would come out of it very well, because he would get ample compensation; so would the landlord, because he would only pay a nominal compensation and would resume possession of his land; but the local authority, getting no advantage, would yet have to pay the most. He thought it was not yet too late for the Government to consider these difficulties and alter the Bill so as to avoid them. He had pointed out the defects in the hiring clauses of the measure and he appealed to the House, in view of them, to consider whether it would not be worth while to make the purchase clauses stronger and more operative than they were at present. If the Government accepted his Amendment there would not be the slightest difficulty in doing this. They would simply strike out of the Bill the Act of 1845, which hampered our railway companies and municipalities at the present time and would hamper that development of small holdings. Unless that were done the measure could never be a business proposition. He begged to move.

*Mr. ELLIS DAVIES (Carnarvonshire, Eifion), in seconding the Amendment, said that if small holdings were to be successful it was absolutely necessary that they should be secured at a price which would enable the county council to let them to the tenants at an economic rent. That meant that the land must be obtained by the county council at a price dependent only on its value as agricultural land. In legislating on this question, it must be remembered that there was no magic about small holdings. The tenant had to depend for profit solely on the character of the land, the labour and capital he put into it. This Bill threw on the tenant the duty of repaying all the money that had to be paid by the county council to the owner, because it was expressly provided that no part of the loss or expense was to be borne by that body, and it must therefore be ultimately paid by the occupier. For that reason it was essential that the machinery by which the land was to be acquired should be the simplest and most inexpensive possible. He did not think any lawyer would challenge the statement that the Lands Clauses Act of 1845 provided a most expensive method of ascertaining the value of land or of obtaining land, and it was most essential that the county council should acquire land in a simple, inexpensive and effective manner.

Amendment proposed to the Bill—

"In page 11, line 36, to leave out from the word 'order' to the end of Clause 26, and insert the words 'for the compulsory purchase of the land specified in the order'"—(*Mr. Wedgwood*)—instead thereof.

Question proposed, "That the words proposed to be left out, to the end of line 38, in page 11, stand part of the Bill."

THE FIRST COMMISSIONER OF WORKS (Mr. HARCOURT, Lancashire, Rossendale) said he did not think it was necessary to follow in detail the hon. Member's speech, which really was appropriate to a Motion for the rejection of the Third Reading of the Bill. He would explain in a few words why it was necessary to retain certain powers of the Lands Clauses Acts which they had kept in the Schedule, and he thought he would be able to point out how greatly they had varied the procedure which otherwise would have had to be followed if the Lands Clauses Act had been left untouched and applied as a whole. It was necessary to have certain clauses of the Lands Clauses Acts in this Bill in order that they might deal with some of the limited owners, who would naturally crop up in these transactions, and in that they were following the precedent of Section 9, Subsection 4, of the Act of 1894. They were requisite also for procedure, for notice to treat and to quit, and for specifying the persons who were entitled to compensation, and the method by which that compensation might subsequently be obtained. If they had not applied those clauses in the schedule they would have to had add another dozen or twenty clauses to the Bill setting out certain parts of the Lands Clauses Acts. Those Acts were not applied to the hiring clauses, because they were not applicable to hiring. The Lands Clauses Acts nowhere took any cognisance of hiring by compulsion or agreement; it applied only to the purchase of land by compulsion. If the hon. Member would look at the schedule—and he was afraid that the hon. Gentleman had not studied it with that care which he would have expected of him—he would find that they had incorporated the Lands Clauses Acts subject to the necessary adaptation for the objects they had in view. The Lands Clauses Acts as a whole were as great a bugbear to him, if possible, as they were to the hon. Member himself. They had been so from the first, and he took particular credit not only to himself, but also to those who had acted with him, for the way in which they had evaded the difficulties and the expenses they would have been put to if they had adopted the Lands Clauses Acts as a whole. Did the hon. Member realise what were the limitations they had made on the operation of those Acts? First of all, they had a definite clause omitting all compensation for compulsory acquisition of land. Then they had set up a much simpler form of arbitration by a single arbitrator appointed by the Board. They had got a subsection in the schedule specifically excluding counsel and expert witnesses save in exceptional cases, and a provision that there should be a scale of costs prescribed by the Lord Chancellor. He did not think they could go further in prescribing the cheapest possible method of acquiring land at a fair price. The hon. Member had stated that the landlord could resume possession at the end of thirty-five years, but, by a subsequent admission, he said that he was incorrect. It was certainly a matter on which hon. Gentlemen opposite became rather heated, that the landlord had no right to resume possession at the conclusion of the lease, so long as the county council wished to renew.

MR. WEDGWOOD: Is not that so where the land is hired compulsorily? Where it is hired by agreement——

MR. HARCOURT said if the hon. Member had not interrupted him he was going on to explain, of course, that this was the case only where the land was taken compulsorily. By varying and limiting the clauses of the Lands Clauses Act, an enormous amount of repetition of clauses which otherwise would have had to go into the Bill, had been avoided; and he was convinced that they had got the cheapest possible method for the acquisition of land—a cheaper method than had ever yet gone into an Act of Parliament, and he must retain these words for the purposes for which they were included.

Amendment negatived.

Mr. WEDGWOOD next moved an Amendment to the effect that when the capital unimproved value of any land acquired under this Act compulsorily should have been ascertained under any Act of Parliament hereafter to be passed for the general valuation of land for the purposes of rating or taxation, the compensation to be paid for such land should be such ascertained capital value, with any addition for buildings and improvements upon the land, or for severance, that the case might require. He would not, he said, have moved this Amendment had it not been that there was a precedent for putting in an Act of Parliament reference to legislation which might be subsequently passed. Seeing that there was such a precedent, he thought they had here a valuable opportunity of including this provision in the Small Holdings Bill, so soon as the Valuation Bill for England had become law. They hoped next year to get this Bill which would apply to England and Wales, and as soon as that was obtained, they would have a cheaper way of purchasing land for such public purposes as small holdings than the present Bill afforded. He did not think it would be asking too much to require that this valuation of land, ascertained in the best possible way and by public assessors, should be used as the basis on which land might be purchased in the country. He thought the right hon. Gentleman in charge of the Bill had said that if the Valuation Bill had been passed he would have been glad to embody the clause in this Bill, or, at any rate, that in default of the Valuation Bill being passed, this Bill offered the best method of ascertaining the value of the land. He thought the simpler way would be the embodiment of this clause which the right hon. Gentleman himself approved. In asking the right hon. Gentleman to insert this proviso in the Bill he did not think he was asking him to do anything very great. He did not say that the price should be absolutely the valuation price. All due allowance might be made for severance, for improvements, or for anything, in fact, that the right hon. Gentleman chose to insert in the schedule. All he asked was that the Valuation Bill which would be, he hoped, carried next year, should be used as the basis for the compulsory purchase of land for the welfare of the whole community. It might be said by some hon. Gentlemen that when the Valuation Bill was passed it would then be quite possible to embody in this Act a clause such as this, but that would require a special Bill to be passed in order to allow the new valuation lists to be used as the basis of purchase. What they wanted was, by this small clause, to save all the time and trouble of passing a special Act when the Valuation Bill did become law. Therefore, he asked the right hon. Gentleman to consider this request, with which, he was sure, he was in hearty sympathy. He begged to move.

Mr. MASTERMAN (West Ham, N.) seconded the Amendment.

Amendment proposed—

"In page 11, line 38, at the end, to insert the words, 'Provided that when the capital unimproved value of any land to be acquired under this Act compulsorily shall have been ascertained under any Act of Parliament hereafter to be passed for the general valuation of land for the purposes of rating or taxation, the compensation to be paid for such land shall be such ascertained capital value, with any addition for buildings and improvements upon the land, or for severance, that the case may require.' "—(*Mr. Wedgwood.*)

Question proposed, "That these words be there inserted in the Bill."

*Mr. HARCOURT thought the hon. Member knew that he was in general agreement with the principle he sought to establish, but he differed from him widely, as he had done upstairs, as to the method by which he sought to apply that principle. He was certainly prepared to admit that a change was required in the existing valuation for England, but he could not admit that it was reasonable or convenient, even if there were a precedent, though not a very close one, to apply by an Amendment on Report an Act of Parliament hereafter to be passed. It was quite true there was a precedent, the only one which existed, in the Allotment Act of 1887, by which a clause was inserted that the powers under that Act should be exercised by the Local Government Board until the county authorities had been created by the Bill of the next year and had come into actual operation. But that was rather a different thing from inserting a perfectly vague provision as to the whole question of ownership and transfer of land. He did not think the hon. Gentleman had quite considered what this might mean. No doubt in his own mind the hon. Member had a perfectly clear idea of the lines which the Valuation Bill ought to take, and if it varied by a hair's breadth from those lines they would be denounced by him with his usual eloquence. It was always difficult, even for those who were almost infallible, to forecast exactly in what shape a Bill would receive the Royal Assent. They did not know until the Bill became law whether the valuation would be annual, quinquennial, or decennial. He was quite sure the hon. Member would wish it to be an annual one, and he would rather wish that himself. Supposing it turned out to be a quinquennial valuation, under the provisions of this Bill the land would have to be purchased on a valuation which had been made four and a half years previously, and at a price altogether out of date. These were matters which must be considered before they applied things in this way. In reference to the argument that a special Act would have to be passed to apply the Valuation Bill of next year, he might state that there was a precedent which might relieve the hon. Member from so oppressive a bugbear. The Metropolitan Valuation Act of 1859 applied the valuation that was brought into force in respect of income-tax assessments; in fact, it changed the whole of the income-tax assessments, not by a new Act, but by the mere application of the Act when it was passed. He hoped that the application of the new valuation principles when they were carried into law would apply not only to land acquired by the local authorities for small holdings but to all purposes for which land was acquired by local authorities. But he did not see how such a provision could be inserted in this Bill and at this stage of it.

MR. WEDGWOOD, after the statement of the right hon. Gentleman, asked leave to withdraw his Amendment.

MR. A. J. BALFOUR (City of London) said he did not wish to continue the discussion, but though hon. Members on his side did not join in it, he desired to say that it must not be assumed that they approved the general principle laid down either by the hon. Gentleman or the right hon. Gentleman.

Amendment, by leave, withdrawn.

*MR. ELLIS DAVIES moved an Amendment to omit the words "nor more than thirty-five years." The words of the Bill, he said, were "not less than fourteen years, nor more than thirty-five years," and the object of his Amendment was to retain the minimum period and do away with the maximum of thirty-five years for compulsorily leasing by county councils. The expenses of adapting the land, erecting buildings, draining, fencing, and supplying water had to be borne in the first instance by the county council, and as this Bill depended for its success on the county councils, he thought it was essential that the conditions under which those bodies worked should be reasonable. The Bill proposed a maximum period of thirty-five years, and the result, he supposed, would be, where the land had been compulsorily acquired for thirty-five years, and it became necessary for the county council to put up buildings, drain and fence and do whatever was necessary, that the local authority would be faced at once with the problem whether it was reasonable to spend money on land that they could only hold for thirty-five years. He put it to Members whether they could really recommend a county council to spend money under a lease for thirty-five years. He pressed upon the Government that unless the county councils could acquire the land for a longer period they would, he feared, be only too well justified in refusing to carry out the Bill by spending public money on the erection of buildings and fencing and draining and supplying water. It seemed to him that the shortness of the lease was fatal from another point of view. The whole expense of not merely buying the land, but of adapting it and putting up buildings and executing other works, though at first borne by the county council, must ultimately fall upon the tenant in the way of rent. It was now admitted that the rent to be paid by the tenant to the county council must not only be a fair rent as for agricultural land, but a rent by way of sinking fund to enable the county council in the short period of thirty-five years to recoup itself for any expenditure in adapting the land and putting buildings upon it. Any Member who had any acquaintance with small holdings knew the hard and uncertain life of the tenant farmer. Had he ever been asked by any landowner in this country, in addition to his rent, to repay the landowner the capital value of the buildings which had been erected on his land and especially to do so in thirty-five years? His submission was that unless the county council had power to acquire land for a much longer period than thirty-five years, and if they had to expend public money on buildings and other works, they would not be able to demand from the tenant farmer an economic rent, and the rent he would have to pay would be so heavy as to make success impossible. But he proposed the Amendment which stood in his name for another reason. He had no land of his own, and he confessed frankly that the power of compulsory leasing did not attract him. It was perfectly well known that it was practically impossible to sell land subject to leases at a rack rent, and it was even more difficult to mortgage it. It seemed to him rather hard, to say the least, that they should compulsorily take from a man his land, and make it for a period of thirty-five years unsaleable and, to coin a word, unmortgageable. It was perfectly well known that in some districts of England, particularly in Manchester and Liverpool, there was a very common method of acquiring land on long leases or subject to rent charges. No money was paid, but an annual rent-charge was created on long leases granted with the result that the land, to all intents and purposes, subject to the payment of this rent, became the property of the purchaser. On the other hand, the person who sold the land obtained a perpetual rent-charge, and immediately became possessed of an interest which had a known market value and for which he could find a ready market or if necessity arose raise money on it. If some such Amendment could be made in the Bill the position of the county councils would be very much better. They would be enabled to acquire land which for all practicable purposes would be their own subject only to the rent-charge. The result would be that the county councils could erect buildings, put up houses, fence and drain, make roads, provide water, and do all the other necessary work in connection with a small holding in full assurance that every penny they spent would ultimately be returned to them in the way of rent. Moreover, they would be able to let the land to the tenant at a rent which would render it possible for the tenant to make the holding a success. If the county council could obtain land under a perpetual lease, or for ninety-nine or 100 years, they would be in a position to let the land to the tenant at a fair rent, plus a small addition necessary for a sinking fund. He begged to move.

Dr. HAZEL (West Bromwich) seconded the Amendment.

Amendment proposed—

"In page 12, line 1, to leave out the words 'nor more than thirty-five.'"

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. HARCOURT said the provision to which the hon. Member objected was the outcome of the old game of battledore and shuttlecock between the House of Commons and another place over the Bill of 1894. The original system under that Bill for the compulsory hiring of land was a system of not less than fourteen years, no maximum being fixed. In another place a maximum of not more than twenty-one years was inserted. The House of Commons refused to accept that limitation, and ultimately the limit of thirty-five years was inserted. The proposal before the House would make the initial lease a perpetual lease, and he did not know whether his hon. friend had considered the effect that might have on the price assessed by the valuers. He was under the impression that if the county council took a perpetual lease and paid a perpetual rent they would have to pay a perpetually higher rent, and that would be greatly to the disadvantage of the tenant.

MR. A. J. BALFOUR said he was not at all sure that on this subject he agreed with those with whom he usually acted, and, therefore, in what he was about to say he spoke only for himself. He would, of course, have preferred the whole thing to be done by purchase, but he was not going back on that, as the question had been decided by the House. They had now got only to consider the two alternative policies of a lease which could not exceed thirty-five years and of a perpetual lease, or what was called in Scotland a feu. Personally he would prefer a feu both from the point of view of the cultivating tenant and from that of the landlord. Speaking from the point of view of the municipality, if the municipality was to hire land under the Bill for these short terms it would have to go through all the difficulty of fresh negotiations, and possibly fresh litigation, with the landowner at the end of fourteen or thirty-five years. That was not a very simple position. He would have thought, if it were not possible—and he assumed for the sake of his argument that it was not possible—to pay down a capital value, it would at all events be more convenient to enter into a permanent contract, and that the municipality should have all the rights and duties connected with the land which were given to the feuar in Scotland, and in England, as in Lancashire and other places, to the lessee for 999 years. They would then obtain, of course, what was called the unearned increment of the land, if any accrued, and they would have the full rights of ownership subject only to a perpetual charge equal to the original rent value of the land. Now he turned to the tenant's position with the landlord. He understood that the Government held that the plan of the Bill would be far better for the landlord than the plan the hon. Gentleman had proposed. The right hon. Gentleman opposite held the view that it was a hardship to deprive the landlord of any increment in the value of his land that might accrue by lapse of time and the progress of society, and that the landlord at the end of a lease for fourteen or thirty-five years should receive the amount of that increment when a new arrangement was come to. That was an argument which, as far as it went, was well worth considering; but, speaking for himself, if he was not to be allowed to be the practical owner and manager of his estate, he would rather part with the rights of ownership altogether, and if he could not get a capital sum, he would prefer to part with them for a rent-charge with all the security of the county rate. Under the Bill the landlord would lease the land, compulsorily or by agreement, for a term not exceeding thirty-five years. The Government were not going to hand back the land at the end of that time. Their plan was to give the county council practically a perpetual lease with a break at the end of thirty-five years at their will. He could say that in his judgment that was not a satisfactory arrangement from the landlord's point of view. If the Government could not get the capital to purchase the land outright, at all events let them do that which was practically equivalent to it—let them give a perpetual rent-charge, saleable, of course, on good security, and which would entirely exclude for all time the landlord from the management of or any responsibility in connection with the land. He ought not to be left in the ambiguous position in which the Bill left him. He did not know whether at the end of fourteen or thirty-five years he was going to have all his responsibility thrown back on his possibly unwilling shoulders, and would have to go to the cost of revaluing his rights in the land and to enter into fresh negotiation—perhaps fresh controversy—with the local authority. There was an ambiguity thrown over all his relations with the land. He was left the nominal owner under an arrangement to which he, at all events, would think no landlord would care to submit. For his own part, though he could not speak for the landowners, he would much rather lose any subsequent rights he had in the land, such as the so-called unearned increment, than be put in the unsatisfactory, ambiguous, and semi-responsible position in which the landlord was left under the Bill. These were the views he personally entertained speaking from the point of view of the small holder, of the municipality, and of the existing landlord. He spoke in this, however, only for himself, and possibly many of those interested either from the side of the municipality or of the owners of land might take a different view on this complicated question from that which commended itself to him.

Mr. CHAPLIN (Surrey, Wimbledon) said that although his right hon. friend had spoken for himself he was disposed to agree with much that had fallen from him. This clause dealt specifically with the acquisition of land by compulsion from the landlord. Looking at the matter as it concerned the landlord, what were the advantages of the proposed Amendment? His right hon. friend had said that if he were to be deprived of his property in the way proposed by the Bill, he would infinitely prefer to be deprived of it altogether once and for all. There was a good deal to be said from that point of view. So far as he was concerned he would prefer a perpetual lease to being messed about by a continual renewal of the lease at the end of a period of fourteen years or thirty-five years. He could not conceive a more disagreeable position than for a landlord never to know whether he was going to have his land thrown back on his hands or not. There was another point of view. He understood the right hon. Gentleman to say that, assuming the Amendment were adopted, he at least was of opinion that the annual rent that would be fixed for a perpetual lease would be considerably greater than the rent fixed under the Bill as it stood. That might be a very good thing for the future owner presumably, but it would be a bad thing for the owner whose land was going to be taken. He could easily fancy that there might occasionally be cases where the land in England—he was not nearly so well acquainted with the system in Scotland as his right hon. friend—was taken from the landlord for the purposes of this Bill in which the landlord might look forward to the possibility of recovering that portion of his estate. He might not wish that a part of his old family estate to which he was devoted should be finally and perpetually severed from his possession even if he were paid cash for it—when he could get it. He had never abandoned the hope that they might be successful in getting an Amendment to this Bill by which, at the end of the first lease, if the landlord desired it, he might be able to require the county council to purchase the land. If the county council wished to renew the lease that would be proof positive that the scheme of acquiring the land had been a success. It would be most unfair to refuse that right to the landlord. That was the general view which he entertained on the question. He might be foolishly sanguine in the hope that by some means such an Amendment might be inserted in the Bill before it became law. He was influenced by this consideration that if once perpetual leases were accepted there would be an end for all time of any hope of the landlord recovering his land.

*Mr. LEIF JONES (Westmoreland, Appleby) said that the Leader of the Opposition had expressed his preference for a perpetual lease to the limited lease provided for in this clause. But he wanted to put the point to the right hon. Gentleman that while that might be satisfactory from the landowner's point of view, how could it ever pay the community to enter into a perpetual lease if they had to pay an annual rent at all approximating the present rent? Land could be bought anywhere at thirty-five years purchase, and he supposed that that was the reason a lease of thirty-five years was provided for in the Bill.

MR. A. J. BALFOUR: Unless there is great prospective value.

*MR. LEIF JONES said that if the county council undertook to pay the annual rent for much more than thirty-five years, they would be paying rent for nothing. If, therefore, there was to be a perpetual lease, the rent charge would have to be much lower than for a short lease, otherwise it would necessarily be a losing bargain from the public point of view.

*MR. JESSE COLLINGS (Birmingham, Bordesley) said he could understand that an advantage would be gained by the landowner and the local authority, but he could not exactly see where the small holder—the tenant—came in. As he understood it, the proposal was to adopt what was called in Scotland the feu system where the holder of the feu had the right to sell or devise it. In fact the feuar was practically the owner subject to a perpetual rent charge. That was the proposition which the hon. Gentleman made, but what about the labourer? Was he to have a feu as well—to have a perpetual holding which he could sell, devise, or mortgage subject to a rent charge? If not, the labourer, under these conditions, would be very badly off, because if the county council acquired that land under a perpetual lease the rent charge would become proportionally higher. The county council would put an extra rent on the small holder. Therefore the system would be good for the landlord and for the county council, but bad for the small holder who would be a yearly tenant unless he also got his holding in perpetuity and had the same right to selling, devising, and mortgaging as the first holder. He believed that it was the intention of the Act that the county council should let to small holders on a yearly tenancy. That was admitted, he understood, by the right hon. Gentleman during the Second Reading of the Bill. In fact that was the only view which the county council could adopt, because if a tenant was unsatisfactory and had a long lease the county council would not be able, under the Bill, to turn him out of his holding except under exceptional circumstances. He asked whether it was the intention of the Government to give the small holders any security in the form of a lease or simply to hold them as yearly tenants? If the answer was that that was left to the local authority, then he was quite sure that if the local authority was composed of business men, only yearly tenancies would be granted.

MR. MASTERMAN said that the right hon. Member for Bordesley had asked where the small holder came in. It seemed to him that the whole conception of this Amendment was for the benefit of the landlord. The right hon. Gentleman appeared to approve of providing security of tenure to the small holder. It was true that no security of tenure would be given by the Bill to the small holder, but the Bill was a considerable advance towards giving him a right to remain in his holding so long as he continued to work the land properly. The possibility of the renewal of the lease at the end of thirty-five years was not in the mind of the small holder when he was considering at the outset whether he would put his capital into the land. He knew that there were thousands of small holders in England who were yearly tenants but who were practically tenants for thirty-five years.

*MR. JESSE COLLINGS said that that security of tenure was due to the good understanding between landlord and tenant.

MR. MASTERMAN said that he hoped that a better understanding would exist between the local authority and the small holder than there had been between the landlord and the small holder. What was wanted was that the small holder should be given his land under conditions by which he could live comfortably. He was glad to welcome the Leader of the Opposition as a recruit in this particular matter and regretted he was not present as a member of the Committee to assist by his cogent arguments the members below the gangway when they were defeated by thirty-two votes to thirteen.

He did not see why this should be a bad bargain for the landlord. They wanted the removal of the limitation, and if it were not removed it should be at least extended to fifty years so as to cover the life of the buildings which would have to be put up. There were other circumstances which would seem to show that ninety-nine years would be a satisfactory period. Seeing that the Leader of the Opposition, hon. Members who sat below the gangway, and the Liberal Government in 1894 all demanded the same thing, he pressed the Government to accept the Amendment.

SIR F. CAWLEY (Lancashire, Prestwich) thought the Amendment ought to be accepted. In his opinion the county council could rent the land for less rent in perpetuity than they could for a certain number of years. Speaking as a small landowner, and he thought any small owner of land would agree with him, he would rather sell his land at a perpetual chief rent than on a lease to be broken at the option of the county council every few years. He would be able to realise that rent at any moment he liked because it would be an absolute security and one of the best that any trustee could invest in. Therefore it was fair to the landowner and would enable the county council to rent the land at a much lower rent than otherwise they would be able to do.

*MR. CAVE (Surrey, Kingston) said that, exercising the freedom which the Leader of their Party allowed to them, he must say that he could not support the Amendment, because he thought it would operate against purchase, which he considered was the most desirable end. If county councils wished to acquire land for small holdings, they had two courses open to them under the Bill as it now stood. If they doubted whether the small holdings would be a success, they could hire the land for fourteen years or for any period up to thirty-five years. But if they had sufficient confidence in their scheme and desired to hold the land for a longer period then they could buy the land, paying the purchase money at once, and borrowing the amount on the terms of its being repaid under any period up to eighty years. But if the Amendment were carried, the council would have a third alternative, namely, to hire the land for a long term of years, and this alternative might be adopted in preference to a purchase. He thought that the council should be encouraged rather to purchase the land than to lease it, and under these circumstances he would not be able to support the Amendment.

MR. COURTENAY WARNER (Staffordshire, Lichfield) said the Amendment was not an important one, but as far as it went he thought it would be well to accept it, because it gave a wider latitude. There was no doubt about it that the landlord would be better off if he got the same rent in perpetuity than he would be if he only let under a lease for thirty-five years, and therefore, he thought, he would take less rent. There were certain outgoings which had to be calculated upon with a short lease. When the landlord got the land handed back to him there were certain improvements which would have to be done, such as drainage and so on, and that was a responsibility which the landlord would absolutely get rid of if he got the same rent in perpetuity instead of granting a lease for thirty-five years. There was no doubt about it that if one had a perpetual rent of £100, it would sell for a larger price than a rent of £100 a year on a farm for a limited period. Therefore he thought the landlord would be prepared to let the land at a cheaper rate for the longer period than he would on a lease for thirty-five years. In his opinion it would be well to give the county council the power of getting the advantage of a longer lease than was provided for by the Bill, and he thought it would be advisable for the Government to accept the Amendment.

THE SOLICITOR-GENERAL (Sir W. ROBSON, South Shields) said he was not by any means certain that there was quite the community of opinion which was supposed between the Leader of the Opposition and hon. Members below the gangway, because the right hon. Gentleman spoke, as an individual Member, in favour of perpetual leases, and said that a perpetual lease was a form of modified purchase. He would like to know whether the right hon. Gentleman would be willing simply to extend the option of the county council. Looking at the question on its merits he admitted that there was a good deal to be said on both sides, and it was not a question by any means easy in regard to striking the balance of advantage. That which operated with those who proposed the clause was that a perpetual rent would have to be paid, no matter what the subsequent movement of prices might be, and the county council would probably hesitate to commit themselves to a stereotyped perpetual rent which might work out as an increased purchase money. If they spent a larger sum in purchase money the land would still be liable to the right of resumption, and when all the arguments were taken into account he was of opinion that if they were going to have a hiring system at all it was desirable that they should have breaks in the tenancy. They gave the county council a great advantage—the county council had a right to renew and the landlords could not contest it. So far as security of tenure was concerned, the county council had a right to insist upon it. Therefore, although it was a matter of doubt, it seemed on the whole that it was to the advantage of the county council that the present system should obtain rather than the new system proposed by the Amendment.

Mr. AUSTEN CHAMBERLAIN (Worcestershire, E.) said that as the debate developed the importance of the Amendment increased rather than diminished. He quite agreed that a one-sided provision for hiring in perpetuity would not be a fair arrangement. If this advantage was to be given to the county council, it was only fair that it should also be given to the landlord, who should be entitled to require a lease to be renewed in perpetuity. But if that were done another question would arise, and one point of great importance put by the mover of the Amendment and referred to by his right hon. friend the Leader of the Opposition had not been touched upon by the hon. and learned Gentleman opposite. That point was that if the county council were to take a short lease they must charge the tenant such a sum as would recoup them for the expenditure incurred for equipping the holding, and therefore the charge would be heavier. That was a very important point, and he thought they ought to know what the answer of the Government was to it. If there was to be any considerable expenditure in order to start the small holder in a satisfactory way under a short lease the charge on the tenant must be very onerous, and he was curious to know how the Government met that criticism. The Solicitor-General had suggested that the proposal in the Amendment would lead to the rent being higher than an agricultural rent under a short lease system. He did not understand why that should be so. He agreed that the security offered by perpetual rent was so much better and more marketable and more easily dealt with for the purpose of rasing money than an ordinary agricultural rent that a perpetual rent should be something less than an agricultural rent. The only thing that could make it more would be the prospective increase in the value of the land. If agricultural land was taken for fourteen or twenty-one years and that land had a certain, rather remote, prospective building value, the rent of the land for the next fourteen years might be no more than the ordinary agricultural rent. It was only where there was a prospective building value in the near future that the rent could be more than the agricultural rent. But that could never be, because, as the hon. and learned Gentleman had pointed out, any prospective building value would be dealt with under the powers of resumption and not in the lease. Therefore he could conceive no circumstances which would tend to make a perpetual rent charge greater than an agricultural rent. Where land was likely to be resumed for building purposes the perpetual rent charge would be of no value.

Sir W. ROBSON said it was perpetual against the county councils. Only the landlords could resume.

Mr. AUSTEN CHAMBERLAIN said that was of no advantage from his point of view, and it was not a system that would recommend itself to the county councils or the landlords. If a perpetual rent charge was fixed they would have in such cases as that to introduce some modification which removed the power of resumption. He did not think the system as proposed in the Amendment and explained in the speech of the mover was applicable to building land, having regard to the other conditions in the Bill. But he did not see why it should not be applicable and advantageous to everybody in the case of agricultural land which had no prospective building value, and where there was no probability of the power of resumption ever being exercised. He believed that if it were adopted in that case the landlord would obtain a readily marketable security such as he would not have under the Bill, and that an opportunity would be given to the county councils to obtain the land at a less price than they would otherwise have to pay for it, and consequently an opportunity of letting the land at a lower price. Hon Gentlemen below the gangway would not perhaps be in entire sympathy with all the observations he had made, and if he voted for the Amendment, and that would depend on the reply of the right hon. Gentleman and what might follow, his vote must be understood to be guided and qualified by the views he had set forth.

*Mr. HARCOURT said he would endeavour to reply to the question of the right hon. Gentleman. It was quite clear that where a short lease was taken by the county council the terms of repayment for the buildings and equipment of the land would be very much heavier. If the county council were to take a short lease of fourteen years it clearly meant that in their opinion the matter was rather an experimental one, and they would probably not proceed to erect expensive buildings on that land. They might lease land adjacent to buildings and attach it to them. A wise county council, and he believed they were all wise, when acquiring land on which building might take place in the near future, would either take a long lease or they might purchase a small quantity of land upon which they would put up the buildings and hire a certain amount of land to go with those buildings.

Mr. AUSTEN CHAMBERLAIN asked whether it was contemplated that the county councils should purchase frontages and put buildings upon them, and hire the rest of the land and attach it to the buildings.

*Mr. HARCOURT said the right hon. Gentleman knew quite well that nothing of the sort was contemplated. He would like to point out that the right hon. Gentleman the Leader of the Opposition was not at all of the same mind as the hon. Gentlemen who moved and seconded this Amendment. He did not want what they wished. The effect of this clause was to give the power to the county councils to hire land for fourteen years or any other number of years. On this question he had no strong feeling one way or the other. But in any case he thought it would entail some disadvantage, and he would continue to oppose the Amendment. He would like to offer a suggestion which had reference rather to the date at which they had arrived and the possible proceedings which might take place if he were to accept this Amendment. It was certain that a mere option to the county council to take a lease for fourteen years or in perpetuity would not be left in this Bill. [An Hon. Member: Why?] It had happened before and he might be permitted to argue, though he could not prove what was likely to happen in another place. What would probably happen was that either compulsion on county councils always to take a perpetual lease would be put in the Bill or else it would come back to this House possibly with the figure 35 or more probably with the figure 21. They would then find themselves once more engaged in the old game of battledore and shuttlecock with no advantage to themselves or to the Bill. Under those circumstances he hoped hon. Members would not press this proposal.

Colonel KENYON-SLANEY (Shropshire, Newport) wished to say a word or two on behalf of the landlords who did not want to sell. Up to the present moment the whole debate had been about the landlords who wanted to sell their land. It was said that the Bill would make things better for the landlord because he would be able to mortgage any portion of his property. Naturally the landlord who did not want to sell would desire to take advantage of any opportunity he could have of resuming his own property, and as the Amendment, if carried, would make the landlord's power of resumption less and interfere with his chance of resuming possession at the end of fourteen or thirty-five years, he certainly would not support it. Scanty and meagre as the justice meted out to landlords was it would be still more intolerant and hard if they refused them the powers of resumption given under the Bill as it stood. It was clear that if a perpetual feu was established the right of resumption for building purposes would still remain. What would happen to building land outside a town? The county council could take it only at the existing agricultural value because of the right of resumption. He had heard the ominous words of the late Chancellor of the Exchequer, who indicated that there was a possibility under the Amendment of interference with that right of resumption. He had great fears of the possible tyrannical developments which might easily happen not under the right hon. Gentleman, but under the ægis of those who, in future years, might be his successors. It was not fair to expose to this danger landlords who did not want to sell and did not want the advantage of being able to get a better price or to mortgage their property, but who did desire to retain the right to resume, whenever a fair opportunity offered, possession of their land, which he was sure they could turn to better use in the interests of the community generally than all the county councils put together.

*MR. ALDEN (Middlesex, Tottenham) said the only difference between the landlords whom the right hon. and gallant Gentleman represented and those who did want to sell was that one wanted an exorbitant price and the other a fair price. He did not see why any landlord should be allowed to stand in the way of men who wished to get a living by the cultivation of the land and to increase the agricultural prosperity of the country. He differed from the right hon. Gentleman opposite with regard to the effect of increasing the period of years. If it was increased in all probability the price would be increased. It was only necessary to ask those who had had experience to find out that the longer the term of years the more likely it was that they would have to give a higher price. Notwithstanding that fact, he still thought the right hon. Gentleman would have been wise to have accepted the Amendment, because it gave more elasticity to the whole clause. He could not conceive that any possible harm could accrue from cutting out the thirty-five years. If the right hon. Gentleman thought the House of Lords would put more difficulties in their way let him leave it to them; that was their business. It was the business of the House of Commons to make the Bill as good as possible. He doubted whether the House of Lords would find fault with this clause if amended. He felt sure that the adoption of this proposal would make the Bill more popular, and he would support the Amendment if it was pressed to a division.

SIR F. BANBURY did not think the landlord would be injured in the way his hon. friend suggested by the Amendment. County councils already had powers to lease land in perpetuity. Surely it was much better both for the landlord and for the county council that any such arrangement should come to an end at once. Upon the financial point he differed entirely from the view expressed by his hon. friend, who did not object to purchase. What would be the position of the county council which desired to purchase? Of course they would have to get the money; it was true that they would not require a large amount all at once: they would probably want a small sum, and they would go to their bankers for it, and pay interest at the rate of 5 or 6 per cent. They would not make arrangements with their bankers until they had such a large sum as would justify them going into the money market. Supposing the county councils could give a perpetual rent charge, they would not have to go to the market, and they could give it at a lower rate of interest than by borrowing in the market or from their bankers. They would not have to go to the State and compel the State to put their loan on the money market. It seemed to him that there would be no harm in that proceeding, because it was merely an option on their part. Hon. Members who desired to facilitate purchase ought to vote for the Amendment, because it would do away with the difficulty of being obliged to borrow money. They would be able to make their terms by way of perpetual annual payment which would be much easier for them and would not hurt the person who was to be dealt with. Under those circumstances he should support this Amendment.

*MR. DICKINSON (St. Pancras, N.) said he was sorry his right hon. friend had not seen his way to meet those who had criticised this portion of the Bill. They all desired to make the measure a success. It was because they really felt that this extension of the power to county councils to take land for longer periods if they thought fit was necessary in order to supply land at a cheaper rent that they were pressing this point. One of the chief difficulties in the way of a local authority in carrying out work of this kind was due to the obligation to repay capital, and the obligation to borrow capital. He could not help thinking that a county council under the present circumstances of the money market would much rather take land at a perpetual rent than borrow money for the purpose of purchasing. This course would avoid all questions and difficulties in regard to the raising of the money and all obligations in regard to repaying the capital, although in the case of land the repayments of capital might be extended over eighty years, and it would make an appreciable difference in the rent charged. But there was a still more important consideration with respect to the application of capital for the development of small holdings. Under the Bill the Local Government Board was authorised to extend the period to fifty years, but unless the public body had greater security of tenure he felt sure the Local Government Board would insist upon the money borrowed being repaid within a much shorter period than fifty years. That would place a serious difficulty in the way of the local authority letting the land at cheap rents. He hoped the Government would see their way to reconsider this point. He did not think that the presage made as to the action of the other branch of the Legislature need affect the question at all. If that branch of the Legislature intended to give to the landowners the power to compel any local authority to take over land on a perpetual lease they would do so with the Bill as it stood. He thought they would be able to alter that decision if such a proposal were to come back to them; but sufficient for the day was the evil thereof. He thought it would be a good thing it they gave the option to the county council to extend the repayment to any length of time which they thought was best in the public interest.

MR. WEDGWOOD said that what they were proposing by this Amendment was to urge the Government to extend a little more confidence to the county councils. If the Government would take their whips off, and allow the Party to vote as they thought fit upon this question, it would be found that the Amendment would receive a large amount of support.

MR. BECKETT said that what they desired was perpetuity, and he failed to see how by voting for this Amendment they would bring that about.

Question put.

The House divided:—Ayes, 165; Noes, 125. (Division List No. 415.)

AYES.

Abraham, William (Cork,N.E.)
Ainsworth, John Stirling
Asquith,Rt.Hn.Herbert Henry
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Sir F. Banbury.

Barry, Redmond J. (Tyrone,N.
Beck, A. Cecil
Bellairs, Carlyon
Benn,W.(T'w'r Hamlets,S.Geo.
Berridge, T. H. D.
Birrell, Rt. Hon. Augustine
Bramsdon, T. A.
Branch, James

Bridgeman, W. Clive
Brigg, John
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton,Rt.Hn.RichardKnight
Cave, George

Cawley, Sir Frederick
Cecil, Lord John P. Joicey-
Chance, Frederick William
Chaplin, Rt. Hon. Henry
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Cleland, J. W.
Clough, William
Cobbold, Felix Thornley
Collings,Rt.Hn.J.(Birmingh'm
Collins, Stephen (Lambeth)
Collins,SirWm.J.(S.Pancras,W.
Corbett,CH(Sussex,E.Grinst'd)
Cory, Clifford John
Cox, Harold
Craig, Herbert J. (Tynemouth)
Cremer, Sir William Randal
Crossley, William J.
Davies, Timothy (Fulham)
Dewar, Arthur (Edinburgh, S.)
Edwards, Clement (Denbigh)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Everett, R. Lacey
Faber, George Denison (York)
Fell, Arthur
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Findlay, Alexander
Fletcher, J. S.
Fowler, Rt. Hon. Sir Henry
Fuller, John Michael F.
Fullerton, Hugh
Gardner, Ernest (Berks, East)
Gladstone, Rt. Hn.Herbert Jn.
Grant, Corrie
Gretton, John
Gurdon,RtHnSirW.Brampton
Harcourt, Rt. Hon. Lewis
Harvey, A. G. C. (Rochdale)
Haworth, Arthur A.
Helme, Norval Watson
Henry, Charles S.
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Isaacs, Rufus Daniel
Jardine, Sir J.
Johnson, W. (Nuneaton)
Jones, Leif (Appleby)
Jones, William (Carnarvonsh.
Kearley, Hudson E.
Kekewich, Sir George
Kenyon-Slaney,Rt.Hn.Col.W.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lambert, George
Lamont, Norman
Leese,SirJoseph F.(Accrington)
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lupton, Arnold
Luttrell,Hugh Fownes
Lyell, Charles Henry
Mackarness, Frederic C.
Maclean, Donald
Macnamara, Dr. Thomas J.
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield, H.Rendall (Lincoln)
Marks,G.Croydon(Launceston)
Marnham, F. J.
Massie, J.
Molteno, Percy Alport
Montagu, E. S.
Morgan, G. Hay (Cornwall)
Morley, Rt. Hon. John
Morpeth, Viscount
Morse, L. L.
Myer, Horatio
Napier, T. B.
Nicholson,Charles N(Doncaster
Norton, Capt. Cecil William
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pearson,W.H.M.(Suffolk,Eye)
Pollard, Dr.
Price, C. E. (Edinburgh,Centr'l
Priestley,W.E.B.(Bradford,E.)
Pullar, Sir Robert
Radford, G. H.
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Rees, J. D.
Rendall, Athelstan
Ridsdale, E. A.
Robson, Sir William Snowdon
Roe, Sir Thomas
Rogers, F. E. Newman
Runciman, Walter
Samuel, Herbert L.(Cleveland)
Sears, J. E.
Shaw, Rt. Hon. T. (Hawick B.
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Stanley, Albert (Staffs., N. W.)
Stanley,Hn.A.Lyulph(Chesh.)
Strachey, Sir Edward
Strauss, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Taylor, Austin (East Toxteth)
Taylor, Theodore C. (Radcliffe)
Tennant, H. J. (Berwickshire)
Torrance, Sir A. M.
Verney, F. W.
Walker, H. De R. (Leicester)
Walters, John Tudor
Waterlow, D. S.
White, J. D. (Dumbartonshire)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilkie, Alexander
Wills, Arthur Walters
Wilson, P. W. (St. Pancras, S.)
Winfrey, R.
Yoxall, James Henry

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Abraham, William (Rhondda)
Acland-Hood,Rt.Hn.SirAlex.F
Alden, Percy
Anson, Sir William Reynell
Ashley, W. W.
Aubrey-Fletcher,Rt.Hn.Sir H.
Balcarres, Lord
Balfour,RtHn.A.J.(City Lond.)
Banbury,SirFrederick George
Baring,Capt.HnG (Winchester)
Barrie, H. T. (Londonderry, N.
Beauchamp, E.
Beckett, Hon. Gervase
Bell, Richard
Bethell,SirJ.H.(Essex,Romf'rd
Black, Arthur W.
Bowerman, C. W.
Boyle, Sir Edward
Brace, William
Butcher, Samuel Henry
Byles, William Pollard
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone, E.)
Chamberlain,RtHnJ.A. (Worc.
Cheetham, John Frederick
Clynes, J. R.
Corbett, T. L. (Down, North)
Cowan, W. H.
Craik, Sir Henry
Crooks, William
Curran, Peter Francis
Dickinson,W.H.(St.Pancras,N.
Dilke, Rt. Hon. Sir Charles
Doughty, Sir George
Douglas, Rt. Hon. A. Akers-
Duncan, C. (Barrow-in-Furness
Edwards, Enoch (Hanley)
Esslemont, George Birnie
Evans, Samuel T.
Fetherstonhaugh, Godfrey
Ffrench, Peter
Forster, Henry William
Gill, A. H.
Glover, Thomas
Gordon, J.
Greenwood, G. (Peterborough)
Hall, Frederick
Hardy,Laurence(Kent,Ashford
Harrison-Broadley, H. B.
Harvey,W.E.(Derbyshire,N.E.
Hay, Hon. Claude George
Hazel, Dr. A. E.
Helmsley, Viscount
Henderson, Arthur (Durham)
Higham, John Sharp
Hill, Sir Clement (Shrewsbury)
Hills, J. W.
Hornby, Sir William Henry
Hudson, Walter
Johnson, John (Gateshead)

Jowett, F. W.
Kelley, George D.
Kennaway, Rt. Hn. Sir John H.
Kimber, Sir Henry
Lamb, Edmund G. (Leominster
Lane-Fox, G. R.
Lea, Hugh Cecil (St. Pancras, E.
Lehmann, R. C.
Long, Rt. Hn. Walter (Dublin, S.
Lonsdale, John Brownlee
Lowe, Sir Francis William
Lyttelton, Rt. Hn. Alfred
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs)
MacVeagh, Jeremiah (Down, S.
Magnus, Sir Philip
Markham, Arthur Basil
Marks, H. H. (Kent)
Masterman, C. F. G.
Micklem, Nathaniel
Mildmay, Francis Bingham
Moore, William
Morrell, Philip
Nicholson, Wm. G. (Petersfield
Nolan, Joseph
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Donnell, C. J. (Walworth)
O'Kelly, James (Roscommon, N.
Parker, James (Halifax)
Pease, Herbert Pike (Darlington)
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mpt'n
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'd
Robertson, J. M. (Tyneside)
Rutherford, V. H. (Brentford)
Scott, A. H. (Ashton under Lyne
Scott, Sir S. (Marylebone, W.)
Shackleton, David James
Smith, F. E. (Liverpool, Walton
Snowden, P.
Steadman, W. C.
Summerbell, T.
Sutherland, J. E.
Talbot, Lord E. (Chichester)
Taylor, John W. (Durham)
Valentia, Viscount
Vivian, Henry
Wadsworth, J.
Walker, Col. W. H. (Lancashire)
Walsh, Stephen
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent)
Warner, Thomas Courtenay T.
Wedgwood, Josiah C.
White, Patrick (Meath, North)
Williams, J. (Glamorgan)
Wilson, John (Durham, Mid)
Wilson, W. T. (Westhoughton)

TELLERS FOR THE NOES—Mr. Ellis Davies and Mr. Seddon.

*MR. CAVE (Surrey, Kingston) moved to omit the words at the end of Subsection (3) providing that confirmation by the Board of Agriculture of an order under the section should be conclusive evidence "that the order has been duly made and is within the powers of this Act." He said the effect of those words if retained in the clause would be that an order made by a county council, even though beyond its powers, and clearly in breach of the restrictions of this Act, when once confirmed by the Board of Agriculture, could not be questioned by anybody. If, for example, an order infringed Clause 30, which imposed restrictions on the kind and amount of land to be taken from the owner, and if that order were confirmed by the Board of Agriculture, it should, he thought, be in the power of the aggrieved party to object. Again, under the schedules certain things were to be done under the powers contained in the Lands Clauses Acts, and if an order were made which violated the provisions of those Acts, in so far as they were applicable to this measure, he did not think the order should become valid simply because it had been confirmed by the Board of Agriculture as having been "duly made." That was a point which anybody ought to have power to raise in a proper manner. He did not think Parliament should get into the habit of delegating to departments powers which really ought to be possessed by the Courts of Justice. If that had been done before, he did not think it should be done again. He begged to move.

*MR. GEORGE FABER (York), in seconding the Amendment, said the illustration which his hon. friend had given in regard to the Lands Clauses Acts was to his mind conclusive that the words objected to ought to be omitted from the subsection. When a matter came before the arbitrator under the Lands Clauses Acts there might be an illegality, and in such a case an order when confirmed by the Board of Agriculture would prevent any of the parties from raising the question of the illegality if these words were retained in the clause. Each question, so far as its legality was concerned, should stand on its own merits, apart altogether from the opinion of the Board of Agriculture as to whether the terms of an Act of Parliament had been carried out or not.

Amendment proposed—

"In page 12, line 13, to leave out from the word 'with,' to the end of line 14."—(*Mr. Cave.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

SIR W. ROBSON said the Amendment came too late, because the words which the hon. Gentleman proposed to omit were necessary to the meaning of words already passed. These words were subject to a decision of the Board of Agriculture. The words of the subsection preceding those proposed to be left out were—

> "An order when so confirmed shall become final, and have effect as if enacted in this Act and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with."

The Government had followed precedent in this matter. It would be most inconvenient if an order when once confirmed, and which had given rise to various transactions in connection with the land, were liable to be impeached on some technicality of, it might be, a trivial or unimportant character which had preceded the confirmation of the order. A strong case had been put by the hon. Member for York where an arbitrator or a valuer had ignored requirements of the Lands Clauses Acts, but in such a case as that it might be assumed that the Board of Agriculture would not be likely to confirm the order. If the Board confirmed the order it would be open for the landlord or anyone concerned to ask the Court an injunction against the confirming of the order. Once it was confirmed it ought undoubtedly to be final. The words in the sub-section were the same as those contained in Subsection (7) of the Act of 1894, dealing with an almost similar matter. There were also precedents in the Municipal Corporation Act and in statutes passed in 1888 and 1894.

MR. CHAPLIN said he did not quite follow the hon. and learned Gentleman's argument. He said that once an order was confirmed it ought to be final. If that was so, what was the objection to accepting the Amendment? It was clear that no harm could accrue from the omission of the words. He had a strong suspicion that the words had not been inserted without some purpose. The subsection said that —

> "The confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with."

But the Board of Agriculture was not infallible, and if the requirements of the Act had not been complied with was the decision of the Board to override the Courts? If the Board happened to be wrong, then under the words of the clause there would be no possibility of getting its decision reversed.

SIR W. ROBSON said the right hon. Gentleman was in error in his application of the words. A landlord who apprehended that there had been an omission on the part of the county council of any proper technicality under the Bill would have an opportunity of informing the Board of Agriculture. If he had a strong case the Board could be asked to refuse to confirm the order on the ground that it was contrary to law, and if it refused to act the landlord might move the Courts for judgment against the confirmation of the order. What the right hon. Member for Wimbledon had referred to was provided for by Clause 30. He could assure the right hon. Gentleman that these were entirely verbal Amendments and that he need not be under any apprehension about them.

VISCOUNT HELMSLEY (Yorkshire, N.R., Thirsk) said he was bound to admit that the explanation of the Solicitor-General did not leave him quite satisfied. It seemed to him that there was still a danger of the Board of Agriculture acting in an illegal way, leaving the landlord practically without remedy. The Solicitor-General had said that the landlord could bring an injunction against the Board, but there was no compulsion on the part of the Board to inform the landlord that they were going to confirm the order, and there might be no time to oppose it. That was rather a strong order. He had no doubt that the present Board of Agriculture could be trusted to be careful that the requirements of the Act were complied with, but he anticipated a time when the Board of Agriculture would be in the hands of persons who would endeavour to avoid compliance with the Act if they could. He therefore thought that the Board of Agriculture should not be removed from the sphere of the ordinary Courts of Justice. It would be quite easy to provide a limit of time within which to make an application for an injunction.

Amendment negatived.

*Mr. GEORGE FABER said that he had an Amendment to Clause 26 to leave out of line 16 the words "or the creation of any new easement." It seemed to him that from one point of view these words would be beneficial while from another point of view, such as the creation of a right of way, they might be prejudicial. As the Amendment, therefore, did not fully carry out his intention he would not persevere with it.

*Mr. ELLIS DAVIES moved to add to the end of Clause 16: "In assessing the rent to be paid in the case of land compulsorily hired under this Act, the valuer shall not take into account any increase in the value of the land due to the establishment by the council of other small holdings or allotments in the neighbourhood." What he wished to secure for the tenant was that his land should be held at an economic rent. At the present moment agricultural land in this country had two values—one an agricultural value which really belonged to it in virtue of its productiveness, and the other a monopoly value which was created, not by the tenant or the landlord, but by extraneous circumstances. In his own constituency 81 per cent. of the farmers were small holders, and the demand for small was three times as great as for large holdings. The result was that when a large holding was put up for sale it only realised £30 or £35 per acre, whereas as soon as a small holding of from ten to fifty acres came into the market the competition was so great that it fetched from £50 up to £100 per acre. The increased price was really not due to the special qualities of the soil but to the demand for small holdings. He contended that if this measure was to work satisfactorily it was essential that the tenants should not pay to the landlord more than was due to the inherent qualities of the land, and that the valuer in fixing the rent should leave out of account everything except agricultural value. The landlord could not complain, because he was protected; if the land was demanded for building or mining purposes he was entitled to resume it even under the provisions of this Bill. The principle of his Amendment was embodied in Subsection (*c*) of Clause 27, with regard to the terms on which County Councils could renew their leases, and which provided that in assessing the rent the valuer should not take into account any increase in the value of the holding—

> "due to the establishment by the council of other small holdings or allotments in the neighbourhood."

For instance, if small holdings were created and succeeded there would be no doubt an increased demand for smaller holdings, and the object of the Amendment was to secure that the valuer should not have the power to take into consideration the fact of that increased demand deciding on the result of other proposed small holdings. He begged to move.

Mr. MASTERMAN, in seconding the Amendment, said that it was only natural and legitimate that the right hon. Gentleman in charge of the Bill should be impatient with Amendments moved from that side of the House. But the right hon. Gentleman must have recognised that this question would be raised on the Report stage. From the thin attendance of hon. Members at the moment, it might be judged that there was not any conspicuous evidence of interest in the question; but he could assure hon. Members that many persons in the country were extremely interested in it. The associations more particularly connected with the agitation for the principle of betterment were very much concerned with the lack of any such provision as that embodied in the Amendment. When the question was raised in Committee upstairs the Amendment was supported by the Liberal and Labour Members. What was proposed was, in short, to make every endeavour to see that the increased value which was going to be made by the State by the creation of small holdings in any locality should not go to the landlords in the neighbourhood of that locality, but should go to the State or to the benefit of the small holders. That seemed to him to be an entirely fair proposition. There was nothing predatory in such a proposition, and it had been welcomed by the hon. Member for Rye. The Amendment was limited to hiring only, and had been already adopted in a Government Bill In the working of the Act of 1902 if the State or the county council established a colony of small land holders where there had been no small holders before—if the colony failed there was not much to be said, the county council had to bear the burden. But if it succeeded the immediate result was to create an increased demand for small holdings by the small holders themselves, and their children, and by those who had not been fortunate or sensible enough to obtain land for a small holding at the beginning of the experiment. These, seeing the success of the colony, came in and desired to share that success. What was the immediate result? The price of land went up in that neighbourhood immediately, and the small holders, instead of obtaining land at 14s., 15s., or 20s. an acre, found themselves compelled to pay 30s. or 35s. an acre. It was exactly the same problem which they had to deal with in regard to the slum properties in towns. Directly they started upon measures of this kind, it was inevitable that they must send the value of property in the neighbourhood up and double the price which it had cost to make the improvements. His right hon. friend the Member for Bordesley, when they were discussing this subject in Committee—he was sorry he did not support him then, but hoped he would do so now, because here they had a definite business proposal to place small holders on the land—said there was a distinction between small holdings and allotments.

MR. JESSE COLLINGS: Hear, hear!

MR. MASTERMAN did not see the distinction. The result in either case was to send up the price of land, not only in the locality but throughout all England, as they brought in the city or the county council, and it was right that the increased value due to the intervention of those bodies should not flow away to private owners. He did not object to increase of value going to anybody if they earned it. Small holdings consisted very largely of plots of land consisting of five or seven acres, and those who desired to have them and to cultivate them did not move about from place to place as the right hon. Gentleman said. The small holders in East Worcestershire came from the villages in which they resided and they wanted land in those neighbourhoods, and they did not want to go away from Worcestershire or Lancashire or the places where they were born. It was their demand, however, that was sending up the price of land and choking off the extension of small holdings. There was a grave danger that the operation of this Bill after a number of years might be choked by this particular process—by the very success that they achieved, by being compelled to compete against themselves. To prevent further competition, and to prevent the land being sent up in price so that the small holder would have to pay more for it, and have to compel his wife and children to work early and late in order to make a living, some Amendment of this kind should be adopted. It was said it would be difficult to disentangle the interests, but the Amendment of his hon. friend would do this. It ran—

> "In assessing the rent to be paid in the case of land compulsorily hired under this Act, the valuer shall not take into account any increase in value of the land due to the establishment by the council of other small holdings or allotments in the neighbourhood."

That was what they wanted. He did not think there was anything in the objection that this provision would sterilise transactions in regard to the buying and selling of land. That contention acted not only against betterment in regard to small holdings, but against any kind of betterment at all. He thought, however, that most hon. Members on that side of the House had made up their minds with regard to dealing with the question of betterment both in the towns and in the country, and surely that was not an insuperable difficulty. The land would be sold with certain charges upon it, actual or prospective, which in buying or selling would be accepted in connection with compulsion, equally as other risks were accepted in connection with compulsion at the present time and in connection with the value which the valuer to put on the land. He recognised that the vast majority of hon. Gentlemen opposite had really tried to clear away any real obstacle which might stand in the way of the working of a Small Holdings Bill, but under all the circumstances he begged to second the Amendment.

Amendment proposed—

"In page 12, line 20, at the end, to insert the words, 'In assessing the rent to be paid in the case of land compulsorily hired under this Act, the valuer shall not take into account any increase in the value of the land due to the establishment by the council of other small holdings or allotments in the neighbourhood.'"—(*Mr. Ellis Davies.*)

Question proposed, "That those words be there inserted."

Mr. HARCOURT said it was always unpleasant, as it had been his lot frequently that day, to refuse to accept the Amendments of his enthusiastic friends who were so seldom his supporters, but he was sure that they had the conviction in their minds that a Minister had sometimes to take into account some other considerations than those connected with the Amendment which they moved. He had not merely to secure the sulky assent of landowners but their general and willing assent. He had resisted this Amendment upstairs for reasons which had been quoted by his hon. friend but as they had failed to convince him it might be necessary to restate them. The first point was whether these proposals were just or desirable; secondly, were they practically possible; and, thirdly, were they necessary. He believed the acceptance of this Amendment would ensure the hostility of all holders of land and of corporations, charities and colleges, and of anybody who was possessed of it. It would raise hostility not only to small holdings on their own estates but to small holdings anywhere in their neighbourhood or anywhere in their county. This hostility would bring the Amendment into operation against their land were it to be put into the market under any circumstances whatever. Under this proposal a valuer in 1930 would have to find out what was the proper rent in 1907 and 1908, and what was the proper rent then, and that would be in his view impossible. The valuer would not only have to estimate the figures in regard to one county, but elsewhere. If this clause were included they would lose one of the most valuable provisions of the Bill, that rent was to be fixed by a valuer and not through the costly process of arbitration. He was not inclined to agree that there would be any appreciation of rent of land in consequence of small holdings. In the past, he admitted there had been an increase of rent due to the establishment of small holdings, but that had been due to the competitive demand for them due to a restricted supply. There had been no compulsion to acquire small holdings and to meet the demand, and therefore land could be capriciously withheld. But now, under this Bill, there would be no limitation of the supply where there was a demand. There was unbounded power to meet all reasonable demands. Therefore he felt forced to reject the Amendment on the grounds both of practicability and of necessity.

Mr. CHAPLIN said he was bound to admit that in his opinion the inferences drawn by the right hon. Gentleman were more likely to be right than those drawn by the hon. Member. The hon. Member had advocated this matter in Committee, but he had not carried his case much further that evening by his comparison of small holdings in various parts of the country, where the conditions of things in one case was not analogous to the condition in another. There certainly was some force in his argument that the principle had been accepted in another clause of the Bill. But he would point out that that clause related to renewals of leases already held. In that case it was possible to form some judgment as to the rise in the value of the land, because there was actual experience to go upon. But generally speaking, he would have thought that the establishment of small holdings throughout the country would tend rather to depreciate the value of land because the greater the number of small holdings the greater would be the competition and the less would be the value of the produce from the soil. The hon. Member had appealed to the House not to put any obstacle in the way of the creation of small holdings. Nothing could be further from their thoughts than to take any action of that kind. But the hon. Gentleman must prove the fact that he was right in his contention that this was a useful provision, and for his part he could not see that the hon. Gentleman had done so, to his satisfaction at any rate. So far as their *bona fides* were concerned, they gave proof of them in the Committee upstairs, when they accepted these words in the other clause.

*MR. DICKINSON said he was glad to be able to say how much this great measure had been assisted in its passage through Committee by the co-operation of those who sat in Opposition. In this matter hon. Gentlemen opposite would naturally support the Government in the line they had taken. If the right hon. Gentleman in charge of the Bill was so convinced of the justice of his objection to this particular clause then surely he might leave the matter to the House to decide, in which case he believed it would be found that the majority was in favour of the Amendment. The arguments of the right hon. Gentleman reminded him of those used thirteen years ago upon the question of betterment. After a good deal of argument they succeeded in convincing a Select Committee of the House of Lords of which Lord Halsbury was Chairman, of the justice of the principle of betterment. That was to say that where an unearned increment was due to the action of a public authority the public authority was entitled to reap some of the benefit of that increment. The right hon. Gentleman had said that the Amendment was unnecessary because he did not think there would be any increase in the value of the land owing to the action of the local authority. But the essence of the Amendment was that if any actual improvement did accrue to the land it should be taken into consideration. If it did not or there was any doubt about it, no one would suggest that anything should be taken away from the landlord and given to the local authority. The right hon. Gentleman had said that in 1930 it would be impossible for any valuer to lay down any rule to guide him as regarded a comparison of rents receivable then and rents receivable now. But nobody would ask that these improvements should be appropriated by the public except where there were small holdings in the vicinity which had brought about the improvement, and there would be no difficulty on the part of the valuer in ascertaining the fact that the increase in value was due to the existence of the neighbouring small holdings. To refer to the last argument, that if any benefit accrued to a particular piece of land by reason of the establishment of small holdings there ought also to be some provision by which a landowner whose property had depreciated by the introduction of small holdings should be compensated for the loss, nobody would object to the inclusion of such a provision. But he failed to realise the need for it, because all they wished to do was to deal with the landowner whose property had improved in value. Even if the landowner could show that property of other landlords had been depreciated in value that was no reason why he should not pay for the improvement created in his own land. Clause 29 of the Bill which dealt with the renewal of the tenancy provided that betterment should then be borne in mind by the valuer. It seemed to him that if this stood alone, it might operate very unjustly to the individual landowner. If they took a holding from the landlord now, they were to put him under the condition that on the expiry of the tenancy he should reap no improved value from the institution of the surrounding small holdings; but other people whose land was not now taken were to be able to appropriate to themselves the improved value which was due to the institution of small holdings. It seemed to him that they were bound to be just all round, and if such justice was not carried out he suggested that there would be a very great tendency on the part of the landowners to hold aloof and object to their land being used in any way for the purpose of small holdings. He need not say that it was with very great regret that they had to differ from the right hon. Gentleman, to whom they were very grateful indeed for having so earnestly and so successfully carried this measure through Committee; still, those who did feel very strongly on this point were forced to express their opposition to this proposal.

*MR. JESSE COLLINGS said the speech to which they had just listened and the speeches of the mover and seconder of the Amendment, disclosed that in the discussion of this question confusion was created by mixing up allotments with small holdings. The two were altogether different things. Allotments must, of course, be in the neighbourhood where the men were employed, for they were of no good if they were a mile or two away. Allotments were very small; in many localities five or six acres of land were cut into allotments, and probably that quantity of land was sufficient for the requirements of the place. But small holdings might be anywhere; they were not confined to any particular part of the county. The county council could range over their whole area for a farm or any land that was to be sold and which they could buy for small holdings. The hon. Member had mentioned Catshill. He thought he knew Catshill and neighbourhood perhaps rather better than he. There were no means of knowing whether that small colony had increased the price of land in the neighbourhood except from this fact, which occurred within the last twelve months, to his knowledge: A neighbouring farm was sold; it was a farm of 200 or 300 acres, and it was bought at a very low price. But of course the county council were not foolish enough to go alongside Catshill to found another colony. They had within the last three months bought another small estate, and that was right away in another part of the county; and he knew it was the intention of some members of the county council to have other small colonies, but not alongside those they had already created. If his hon. friend the Member for West Ham and other speakers would bear in mind that county councils had only to look out for land, they would find that there was enough of it. They need not consider the quality of the land, nor all the nonsense that was talked about small holdings being close to the town, and the labourers requiring every virtue if the holdings were to be a success. All these conditions were violated at Catshill. In fact, if the virtues that were required of an agricultural labourer, before he could have a small holding, were exacted in the case of a farmer, they would soon have a precious number of farms unlet. The expert evidence given before Lord Onslow's Committee by agents and others required these conditions. The agent of Lord Carrington stated that he would not let small holdings except to men of experience in cultivation. In this colony of Catshill, every one of these conditions had, as he had said, been violated; yet the colony had been a complete success for twelve years, and the men were saving money. The land at Catshill was poor, and the price was high. It was about twelve miles from any large city; indeed, all the conditions were unfavourable—the repayment was based on 4 per cent., a high rate. He wanted the hon. Member for NorthWest Ham and those who were of his way of thinking to remember that when a county council wished to buy land they had only to look at the papers to see columns of properties for sale. Then where was the difficulty? County councils could pick and choose throughout the country, and all that was wanted was that the holdings should be within reasonable distance of a railway station, or within carting distance of a large town. His hon. friend had said that these small holdings, by reason of their success, had sent up the price of land everywhere. He did not anticipate that there would be such a wide operation of this Act as to send up the price of land everywhere. If they had a system by which they could have 500 Catshills, that would send up the price of land, and he for one would not be sorry for that, because he could show that the price of land in any country was the true gauge, not of the aggregate amount of wealth in the hands of a few, but the only true gauge of the prosperity, health, wellbeing and good condition of the people. And that was the reason why across the Channel, not so far away as Northumberland, land had twice and three times the value that land had here, because there were there not 200 but thousands of Catshills; the whole area of France and Germany was covered with Catshills. He for one would be delighted if the same cause sent up the price of land here, because what did it mean? It meant that the price was the result of the increased productiveness. Apart from fruit and wine growing in Germany and France, if they took like for like and area for area, the products of the two countries were twice in value what the products were in this country. Why should they object when the price of land went up through increased productiveness? He was afraid that he took a very national view of this question—too national to go and clip a landlord here and a landlord there. To him the financial question was insignificant compared with getting the people back to the soil on proper conditions. Where did the "patriotism" come in? They ought to take a more national view of the question. It was a question not only of benefiting the labourer and the farmer, but of saving the country and creating a first, second, and third line of defence. If he could have his way he would send out a man corresponding to a recruiting sergeant into the great centres of industry and instruct them to find suitable cultivators of the soil. He would then, through the State and in the national interest, provide them with money on the same principle as he would vote money to build an ironclad or erect fortifications. In talking about small holdings the danger which had been suggested could never exist because they had the whole area to pick and choose from. In many districts they would find land for sale at a very low price indeed. He saw an instance in Devonshire the other day where land went begging at £10 an acre, and it was ultimately sold at £6 an acre. If the Devonshire County Council had bought 500 acres of that land and created small holdings upon it the difficulty would have been solved.

*MR. SPEAKER: I am afraid the right hon. Gentleman is taking a very unusual amount of latitude in regard to the point before the House.

*MR. NAPIER (Kent, Faversham) said that if on this occasion the right hon. Gentleman would stick to his guns, he would receive a large amount of conscientious support from the Ministerial Benches, as well as the usual official support. Hon. Members must have been struck with the impracticability of the Amendment. Let them consider for a moment a period of twenty years after the Bill had been in force. Supposing the county council then required land for small holdings. A valuer would be called in, and he would have to inquire what the price of land was in that district twenty years before. It was not always easy to ascertain the price of land so far back as twenty years. They might have to subpœna all sorts of persons to produce leases which were made twenty years back. The valuer would then have to say how much of the rise in value was due to the creation of small holdings. That would be a most difficult thing to do. Land varied very much, and there was occasionally a period when the price of land was going up owing to a number of causes, but the only cause the valuer could take into account would be the rise in value through the establishment of other small holdings. That was a matter which would have to be arrived at by an arbitrator, and the cost of ascertaining that would add very considerably to the price of the land, and render the whole scheme more expensive. The Amendment itself, if it was really intended to have effect, was not very judiciously worded. Why should the valuer take into account only the rise in value owing to the action of this particular county council? Why should he not consider the action of all county councils? Supposing in the next county a series of small holdings were established, and they had caused the value of land to rise. Why should the valuer take into account the rise in value for the adjoining county, and not the increased value of small holdings in the county for which he was acting? Reference had been made to betterment. The hon. Member for North St. Pancras desired to apply to agricultural land the conditions which had been applied by several Acts of Parliament to London. He did not think the principle of betterment could be usefully applied to land in the country. It had not been very useful in London, and the London County Council had got nothing worth speaking of out of it. For these reasons he strongly distrusted the acceptance of an Amendment of this kind, because the principle was wrong. If when they were going to do anything by an Act of Parliament which would raise the value of land, were they going to say that any rise in value caused by the Act should not be taken into account if the land was compulsorily acquired for public purposes? That might be a good principle, but it was one which it was impossible to apply in practice. It often happened that the value of land went down, and therefore this was a principle which ought to apply both ways in order to be fair.

*MR. WEDGWOOD said he had listened to the speech of the hon. Member for Faversham with great interest, and he would like to reply to one or two of the difficulties which had been raised. In the first place there was the question of the practicability of the Amendment, and whether it was possible to decide if the increase in value of any piece of land was due to the small holdings in the neighbourhood. That principle was already, he was thankful to say, established in the Bill as it stood. Clause 27, Sub-section 2, read as follows:—

> "In assessing the rent to be paid under this section the valuer shall not take into account any increase in the value of the holding (c) due to the establishment by the council of other small holdings or allotments in the neighbourhood."

That provision was added to the Bill in Committee without opposition and referred to the renewal of the leases for small holdings, so that in the case of a small holding or allotment of two acres when the lease expired the rent could not be raised against the council by the landlord for that increase which was due to allotments or small holdings in the neighbourhood. Therefore it was assumed by the framers of this Bill that it was practicable to decide and allow for increase in value due to the success of small holdings. All they asked was that not only should it be practicable to judge of that increased value in the release of two acres, but also when that increase of two acres into five by the addition of adjoining land. In both cases they desired that the success of allotments should not add to the price the council had to pay, or to the price the tenant had to pay to the council. The right hon. Gentleman in charge of the Bill objected to the Amendment on the ground of justice and importance. He would take first the ground of justice. He said with a great deal of truth that if they allowed betterment they must also allow worsement. The only satisfactory way out of that difficulty was to tax land values. That did not take into special account betterment or worsement but dealt with both in a satisfactory way. They could not tax land values yet, and therefore they must do the best they could with this doctrine of betterment and worsement. He thought that all hon. Members who understood the question would agree that it was not possible to cause worsement in this case. The case they were considering was the investment of public funds and the increase of population in a neighbourhood. No case for worsement could ever be made out against the expenditure of public funds in the neighbourhood where those funds were spent. Worsement generally occurred through changing the character of streets in a town, so that the property in the old street which used to be an important street before the new street was made fell in value. There was another factor which, to his mind, was even more conclusive, as to the increase in the value of land due to the extension of small holdings. The careful calculations he had made went to show that land values in nearly every country in the world depended upon the density of the population, and varied with the number of workers in any given district. The more workers there were residing on the land and creating the land value the higher would be that value. The object of small holding legislation was to increase the population on the land, and therefore the result of legislation of the kind proposed in this Bill must be to increase and not decrease the price of land. In this instance therefore they might ignore worsement because it was almost certain never to occur, and they might reasonably take into account the claim for betterment alone. Another objection had been raised by the right hon. Gentleman in charge of the Bill. He had said that it was unnecessary to put this clause in because there would be no important rise in the value of land attributable to small holdings. That if land values rose it would be from other causes. The right hon. Gentleman had alluded to a case in Scotland where the value had been increased through the land being turned to the cultivation of raspberries. That experiment showed that raspberries could be profitably cultivated. Here it was proposed to spend public money in the creation of small holdings, and the expenditure on that experiment was absolutely going to raise land values, just as the experiment with raspberries raised the value of the land in the case to which his right hon. friend referred. As certainly as these experiments were successful, so certainly were they going to result in betterment which should come back to the State or to the community which gave the betterment. The right hon. Gentleman had admitted that small holdings under previous Acts did increase the value of land, but he said that the value of land would not increase under this Bill, because there were compulsory powers involved in it. He argued that previously a landlord could refuse to sell his land for small holdings, and could not be compelled to do so, and that therefore conditions which formerly increased land values were not now applicable. It was argued that they would now, under this Act, see to the proper use of land and the proper extension of small holdings without any rise in land values. The idea that the inclusion of compulsory clauses in the Bill would cheapen land was, he thought, wholly wrong. He asked the House to consider for a moment what these compulsory powers meant. The Government hoped that they would facilitate the transfer of land, and that they would prevent land being held up and badly used, and that they would get the land turned to the best use. The compulsory clauses of the Bill were not only to facilitate the transfer of land, but to facilitate also its best use. He maintained that anything that facilitated the transfer of land and the putting of it to the best possible use must infallibly increase its value. If the facility with which land could be transferred was increased, and if the facility with which it could be put to the best possible use was also increased, it followed that the value of the land must be increased. Therefore he thought that the compulsory clauses would tend to increase the value of land even more than the successful or semi-successful extension of small holdings under previous Acts. That was an economic point. He held that the compulsory clauses did not obviate the risk of increasing land values. The question of betterment had been discussed by the London County Council many times, and the objection had been taken to the principle on the ground that if it were adopted the principle of worsement should also be taken into account. He admitted the force of that objection, but he thought that in this particular case it had as small a force as ever it had. He thought the principle of betterment might be introduced into this Bill in respect of new leases as well as in respect of releases.

COLONEL KENYON-SLANEY said he differed from the hon. Member for Newcastle - under - Lyme for several reasons. In the first place it seemed to him an extraordinary hardship that land should be the only form of property which was not to be allowed to receive additional value from any circumstances which surrounded it. If the hon. Member opposite had money invested in the debenture stock of some Colony where gold happened to be found, and if the price of that stock rose from £100 to £110, would he be willing to pay back the increase of £10 as unearned increment to which he was not entitled?

MR. WEDGWOOD said that the £100 lent, say, to New South Wales had probably enabled the discovery of gold to be made. He would, therefore, be assisting in making the discovery.

COLONEL KENYON-SLANEY said he would be extremely glad if the £100 had such a result. But the fact remained that he of his own option had invested in that form of property and received a large increment of capital from that with which he had nothing to do. Unless the hon. Member was prepared to transfer the £10 to the purposes of the State, he hoped that they would hear no more about the increment that might accrue in the case of land. Too much had already been heard of that theory from those who did not possess land, and who followed a different line altogether in regard to the property which they did possess. The hon. Member had said he was in favour of the principle of worsement. If that was so, it should be introduced into the Amendment.

He believed that in many directions the creation of small holdings would considerably lower the price of land. He was perfectly certain that where small holdings were a failure—and he was afraid that would happen in many cases where sufficient care was not taken and where proper circumstances did not exist—the result would be to lower the value of the land which had been worked successfully under larger occupation and with sufficient capital. The hon. Gentleman seemed to argue that density of population always made for an increase in the value of land. There were many cases in which the reverse happened. He granted that if it were density of well-to-do population, the land would increase in value; but if it were a poverty stricken population did the hon. Member think the land would increase in value? He thought it would decrease in value.

Mr. WEDGWOOD said it would increase, and in proof of that statement he would show the hon. and gallant Member tables if he would speak to him outside.

Colonel KENYON-SLANEY expressed the hope that the hon. Gentleman would at least allow him time to go to dinner before doing so. After all, the only test was the price which the land would bring if put in the market. An estate on which there were small holdings which had not been an economic success, if put in the market, would be found to have been heavily reduced in value. He was not arguing that small holdings might not be introduced with advantage in certain localities, but if the hon. Gentleman opposite wished to be fair, he must look also at the other alternative, and not simply adopt the attitude that land was a proper subject for spoliation and confiscation, which was a general attitude of those who held other forms of property.

Mr. REES (Montgomery Boroughs) said he had voted against this Amendment in Committee, and he was not to be deterred from taking the same course now because his name had been included in a "black list" in a Labour paper of those who had voted against it. The hon. Member for North St. Pancras had urged that the increased value of the land should go to the community. What was the community? He took it that the community was an aggregate of individuals, and that it would be contented, flourishing and safe, when the rights of individuals were scrupulously respected. He defied anyone to controvert that elementary proposition. He altogether demurred to the hon. Gentleman's comparison of town betterment with what would happen in the rural districts. The same point was continually taken by the hon. Member for North West Ham. The hon. Member wanted everything reduced to the "Ham standard." In Committee it had been pointed out time after time that that was not the object of the Bill. This Bill was to deal with small holdings, and not with allotments, and there was no use trying to reduce its fair proportions to an urban standard. Though sentiment was a very good thing sometimes, it did not do to be carried away by it in a matter of this kind. It was a very good servant but a very bad master of a man. Nothing was more likely to put the public, and particularly that section the sympathy of which it was most vital to enlist, against the experiment of small holdings than the introduction of such an Amendment as this, which flew in the face of every elementary economic principle. Under it, although there was an increase of value, the valuer was not to take it into account. How could they have economic standards for one class of holders and uneconomic standards for others? The acceptance of the Amendment would be perfectly fatal to the Bill and prevent its having a fair chance at all. The scheme put forward by the Government he believed would have a fair measure of success, but the Amendment, if carried, would deprive it of any possibility of success. It might be taken for granted that this scheme was experimental, and after some years experience there would be time to consider any necessary modification of it. He hoped that the right hon. Gentleman would resist the Amendment now as firmly as he had done upstairs, and that he would receive in that the support of the great majority of the House.

Question put.

The House divided:—Ayes, 52; Noes, 227. (Division List No. 416.)

AYES.

Baring, Godfrey (Isle of Wight
Bell, Richard
Bethell, SirJ.H(Essex,Romf'rd
Black, Arthur W.
Bowerman, C. W.
Brace, William
Branch, James
Clynes, J. R.
Crooks, William
Curran, Peter Francis
Dilke, Rt. Hon. Sir Charles
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Gill, A. H.
Glover, Thomas
Harvey, A. G. C. (Rochdale)
Harvey, W.E. (Derbyshire,N.E.
Hazel, Dr. A. E.
Henderson, Arthur (Durham)
Higham, John Sharp
Hills, J. W.
Hudson, Walter
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jowett, F. W.
Lamb, Edmund G. (Leominster
Lea, Hugh Cecil(St. Pancras, E.
Lupton, Arnold
Macdonald, J. R. (Leicester)
Masterman, C. F. G.
O'Kelly, James(Roscommon,N.
Parker, James Halifax)
Price, C. E. (Edinb'gh, Central)
Rendall, Athelstan
Richards, T.F.(Wolverh'mpt'n
Roberts, G. H. (Norwich)
Robertson, SirGScott(Bradford
Robertson, J. M. (Tyneside)
Rutherford, V. H. (Brentford)
Seddon, J.
Shackleton, David James
Snowden, P.
Steadman, W. C.
Summerbell, T.
Taylor, John W. (Durham)
Vivian, Henry
Walsh, Stephen
Ward, John (Stoke-upon-Trent
Wardle, George J.
Wedgwood, Josiah C.
Wilkie, Alexander
Wilson, W. T. (Westhoughton)

Tellers for the Ayes—Mr. Ellis Davies and Mr. Dickinson.

NOES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Ainsworth, John Stirling
Anson, Sir William Reynell
Ashley, W. W.
Baker, Sir John (Portsmouth)
Baker, Joseph A.(Finsbury, E.)
Balcarres, Lord
Balfour, RtHn.A.J.(CityLond.)
Balfour, Robert (Lanark)
Barlow, SirJohn E. (Somerset)
Barrie, H.T. (Londonderry, N.)
Barry, Redmond J.(Tyrone, N.
Beach, Hn.Michael Hugh Hicks
Beauchamp, E.
Beaumont, Hon. Hubert
Beck, A. Cecil
Beckett, Hon. Gervase
Bellairs, Carlyon
Benn, W.(T'w'r Hamlets,S.Geo.
Berridge, T. H. D.
Bertram, Julius
Birrell, Rt. Hon. Augustine
Bowles, G. Stewart
Boyle, Sir Edward
Bramsdon, T. A.
Bridgeman, W. Clive
Brigg, John
Buchanan, Thomas Ryburn
Bull, Sir William James
Burns, Rt. Hon. John
Byles, William Pollard
Cave, George
Cawley, Sir Frederick
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone, E.)
Chamberlain, RtHn.J.A(Worc.
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Cleland, J. W.
Clough, William
Cobbold, Felix Thornley
Collings, Rt.Hn.J(Birmingh'm
Collins, Stephen (Lambeth)
Collins, SirWm.J.(S.Pancras,W
Corbett,C.H.(Sussex,E.Grinst'd
Corbett, T. L. (Down, North)
Craik, Sir Henry
Cremer, Sir William Randal
Crossley, William J.
Dalziel, James Henry
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dobson, Thomas W.
Douglas, Rt. Hon. A. Akers-
Edwards, Enoch (Hanley)
Elibank, Master of
Essex, R. W.
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey
Faber, George Denison (York)
Fell, Arthur
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Fetherstonhaugh, Godfrey
Ffrench, Peter
Fiennes, Hon. Eustace
Findlay, Alexander
Fletcher, J. S.
Forster, Henry William
Fuller, John Michael F.
Fullerton, Hugh
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gladstone, Rt.Hn.HerbertJohn
Gordon, J.
Grant, Corrie
Greenwood, G. (Peterborough)
Gretton, John
Grey, Rt. Hon. Sir Edward
Gurdon, RtHn.SirW.Brampton
Haldane, Rt. Hon. Richard B.
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Hardy,Laurence(Kent,Ashford
Harmsworth, Cecil B. (Worc'r.)
Harrison-Broadley, H. B.
Haworth, Arthur A.
Helme, Norval Watson
Helmsley, Viscount
Henderson, J.M.(Aberdeen, W.
Henry, Charles S.
Hill, Sir Clement (Shrewsbury)
Holden, E. Hopkinson
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hunt, Rowland
Hyde, Clarendon
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
Kennaway, Rt.Hn. Sir John H.
Kenyon-Slaney, Rt. Hn.Col. W
Kimber, Sir Henry
Laidlaw, Robert
Lambert, George
Lamont, Norman
Lane-Fox, G. R.
Lardner, James Carrige Rushe
Law, Andrew Bonar (Dulwich)
Leese, SirJosephF.(Accrington)
Lever, A.Levy (Essex,Harwich
Levy, Sir Maurice
Lewis, John Herbert
Long, Rt. Hn.Walter(Dublin,S.
Lough, Thomas
Lowe, Sir Francis William
Luttrell, Hugh Fownes
Lyell, Charles Henry
Lyttelton, Rt. Hon. Alfred
Macdonald, J.M.(Falkirk B'ghs
Maclean, Donald

Macnamara, Dr. Thomas J.
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Magnus, Sir Philip
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Middlemore, John Throgmorton
Mildmay, Francis Bingham
Molteno, Percy Alport
Morley, Rt. Hon. John
Morpeth, Viscount
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts., Bassetlaw)
Nicholson, Charles N (Doncast'r
Nicholson, Wm. G. (Petersfield)
Nolan, Joseph
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Donnell, C. J. (Walworth)
Parker, Sir Gilbert (Gravesend)
Paulton, James Mellor
Pearce, Robert (Staffs., Leek)
Pearson, W.H.M. (Suffolk, Eye
Pease, Herbert Pike (Darlington
Philipps, Col. Ivor (S'thampton)
Pollard, Dr.
Powell, Sir Francis Sharp
Pullar, Sir Robert
Radford, G. H.
Randles, Sir John Scurrah
Raphael, Herbert H.
Rawlinson, John Frederick Peel
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Rees, J. D.
Richards, Thomas (W. Monm'th
Rickett, J. Compton
Roberts, Charles H. (Lincoln)
Robson, Sir William Snowdon
Roe, Sir Thomas
Rogers, F. E. Newman
Rose, Charles Day
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott, Sir S. (Marylebone, W.)
Sears, J. E.
Seely, Colonel
Shaw, Rt. Hon. T. (Hawick B.)
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Smith, F.E. (Liverpool, Walton
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.)
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Sutherland, J. E.
Taylor, Austin (East Toxteth)
Taylor, Theodore C. (Radcliffe)
Thompson, J. W. H (Somerset, E.
Torrance, Sir A. M.
Valentia, Viscount
Verney, F. W.
Wadsworth, J.
Walker, H. De R. (Leicester)
Ward, W. Dudley (S'thampton)
Waring, Walter
Waterlow, D. S.
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax)
Williams, J. (Glamorgan)
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid.)
Winfrey, R.
Wood, T. M'Kinnon
Younger, George
Yoxall, James Henry

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

*MR. CAVE moved the omission of Subsection (8). The effect of the subsection as it stood would be that when the county council had given notice to treat and the arbitrator had determined the price or rent, the county council, after seeing the arbitrator's award, might back out of the whole thing on paying the landlord compensation. That was entirely opposed to the existing practice under the Lands Clauses Acts. Under those Acts, when once a notice to treat had been given, the land was bound, and no one could deal with it until the price had been ascertained. If a would-be purchaser came along, the landlord must refuse to deal with him, and so also in the case of a tenant seeking a farm. In such an event, if the notice to treat were withdrawn, no amount of compensation could recoup the landlord, because his loss could not be proved to an arbitrator, and great hardship might be caused, not only to the landlord, but to the sitting tenant. Let the House consider to what use the council might put this power. Having given notice to treat and obtained an award, they might then say, "We do not like the award, and unless you come down in price we shall withdraw from the whole thing." Thereupon, the owner having made his arrangements with a view to selling, might be compelled to reduce his price quite apart from the merits of the case; a result which would not be fair. The only argument in favour of the subsection was that it was said that by the Act of 1892 the council was bound not to purchase the land unless they saw their way to recoup themselves, and therefore they ought to have power to withdraw from the whole bargain. He did not think that was a sufficient reason for retaining the subsection. Of course the council ought to look forward to recouping themselves, but it was not right that, having made their estimate and found the price was higher than they thought, they should have the right to withdraw. Perhaps they might sustain some small loss, but half of that loss would be borne by the Treasury, and it was right that some loss should fall upon the county council as a penalty for having made the miscalculation. He did not think the county council should be allowed to back out of a liability which they had deliberately incurred. Since his Amendment appeared on the Paper the First

Commissioner had put down a proposal to omit from one of the schedules the power of the county council when they gave a notice to treat to give also a notice to quit. He admitted that that proposal would remove one monstrous injustice which would otherwise have been caused by this subsection, because otherwise when the county council had given the tenant notice to quit, and he had made arrangements for taking another farm, the county council could have withdrawn their notice, thus leaving the tenant with two farms on his hands. That got rid of one argument against the subsection, but even the withdrawal of a notice to treat would disturb arrangements which had to be made a long time ahead. On these grounds he begged to move the Amendment.

*SIR E. BOYLE (Taunton) seconded the Amendment, and said he supported everything that had been said by the proposer of it. The notice to treat having been served, if the purchasing body altered their mind the one person who should be protected was the man whose land was compulsorily subjected to sale. The procedure proposed for the purpose of the transfer of land was quite different from anything which had yet been brought forward.

Amendment proposed—

"In page 13, line 1, to leave out Subsection (8) of Clause 26."—(*Mr. Cave.*)

Question proposed, "That the words proposed to be left out, to the word 'by,' in page 13, line 7, stand part of the Bill."

SIR W. ROBSON said his hon. friend had rightly said that under the Act of 1892 a county council, in taking land for the purpose of small holdings, was obliged to take it at such price only as would recoup them for their expenses. That was a proper enough thing under the Act of 1892, which did not contain any provision for compulsory purchase. But it was also desirable now that the Treasury undertook half the loss. It was desirable because under this measure the county council could not frame an estimate, as everything depended on the price and the rent, which were to be made the subject of arbitration, and perhaps there also might be made a claim for severance which would surprise the county council. Therefore they might find themselves, after waiting till the award was given, under conditions which compelled them to go on in contravention of the clause in the Act of 1892. That was, they would be obliged to take the land, but they could not recoup themselves in regard to the necessary expenses. Under these circumstances what was the best course to adopt? To compel them to go on at a loss, or to allow them to withdraw on paying compensation to the owner of the land if he had been subjected to any expense? To compel the county council to go on at a loss would clearly be inexpedient, and he thought they should be allowed to withdraw.

*SIR E. BOYLE said the purchaser and every expert, would know very well whether the price was likely to be such as would allow the county council to go on.

SIR W. ROBSON said the hon. and learned Member must be aware that it was very difficult to find out what the price would be in the case of a claim for severance.

*SIR E. BOYLE said that the purchasing body knew perfectly well, and the vendor knew perfectly well, whether there was any claim for severance or any other matter of that kind, but of course they did not know the *quantum*.

SIR W. ROBSON said that was his point, they could not know the *quantum*. They might know the value of the land and its rent, but they could not estimate the price which an arbitrator would give for severance.

*SIR E. BOYLE: They can estimate it.

SIR W. ROBSON: I do not think the hon. and learned Member would undertake to tell any client of his what an arbitrator would award for severance.

*SIR E. BOYLE said the county council would have information on the subject.

They could ask the vendor and they would know what he asked for it.

Sir W. ROBSON said that nobody would know what was going to be allowed, and the claim for severance would be enormous in some cases.

*Sir E. BOYLE wished to assure the Solicitor-General that the danger he feared was one which did not exist. In all the new cases under the London County Council Act claimants had to set out what their claim was and how it was made up. Therefore the county councils would run no risk.

Sir W. ROBSON did not think that anybody could assume that what a man claimed would be given on award. Because one had the claim it did not follow that they would know what would be the award. There were few subjects about which experts and surveyors differed more than this question of severance, and the arbitrator had to decide between them. They might in making their estimate act upon excellent advice and perfectly reasonable opinion, the advice of surveyors and lawyers, and yet find themselves very much mistaken. Under those circumstances the question was, should they be compelled to go on at a loss or allowed to withdraw on paying compensation to the owner of the land for any loss which had been caused to him? If the county council withdrew, they were bound to give compensation to the owner for any expense he had been caused. To compel the county council to go on at a loss would obviously be inexpedient, and there was then in his judgment no alternative but withdrawal.

*Sir E. BOYLE said that what was now proposed was that if an arbitrator awarded the landlord too little, the county council could take up the award, but if the arbitrator awarded him too much they could refuse to take it up. It seemed to him to be a case of "heads I win, and tails you lose."

Mr. CHAPLIN asked when lawyers differed who was to decide. With all respect to the Solicitor-General, it appeared to him as a layman that his friend behind him was right. If the hon. and learned Gentleman was right, they had an admirable and additional reason for supporting the omission of the clause. The hon. and learned Gentleman had said that when a case of this kind arose there were only two alternatives. Either the county council was to be allowed to withdraw or they were to be compelled to proceed and to suffer the loss. But the hon. and learned Member had forgotten the other party interested, namely, the person from whom the land was taken and who was to be compensated. What guarantee was there that they were giving to that man anything like the amount of money necessary to compensate him for the position in which he was placed? He had received notice to quit, greatly to his regret, and he saw nothing for it but to make the best arrangements he could. He might possibly have sold his house and given up his home, and perhaps already taken another farm in another place and removed there, and then the thing was to be thrown over at the last moment. It seemed to him that if that were done on anything like a large scale it would be far cheaper for the county council to accept the original loss than to incur the risks of such compensation as would be necessary if justice was to be done in such a case as he had suggested. This was an entirely new departure from existing practice, and he did not see the necessity for it. He would have thought it was the simplest thing in the world for the county council to employ competent men to ascertain what was going to be the cost before they entered into the bargain. The difficulty was said to be a question of severance, but severance was a question which was dealt with every week in the year. If his hon. friend went to a division he would certainly support him.

Mr. HARCOURT thought that when the right hon. Gentleman said it was an easy thing to make an estimate of what an arbitrator would do in a case of this kind he was a little wide of the mark. The general experience was that there was usually a great disparity between the figures of the claim and the amount of the award, and it would be quite impossible to arrive beforehand at a definite figure which would enable the county council to say that they would either go on or abandon their point before they came to the award. The right hon. Gentleman had, he thought, argued this question without due reference to the Amendment which appeared a little lower down on the Paper in his name. He had spoken on the assumption that the county council had given the tenant notice to quit. In order to meet the two points which the right hon. Gentleman had raised in Committee he had put down an Amendment to omit Paragraph 5 of the schedule, and that removed altogether the power of the county council to give a sitting tenant notice to quit, so that would have to be done by the landlord. Then, when the county council became the owner of the land so far as the tenant's interest in remaining portion of the time (a few months) before the expiry of his notice was concerned they could buy that out.

Mr. HICKS BEACH (Gloucestershire, Tewkesbury) admitted that the right hon. Gentleman had gone a long way to meet hon. Members in moving the omission of Paragraph 5 of the schedule, but that did not remove the objection they had to this clause. They objected to the county council being entitled to back out of a bargain of this kind in a way nobody else had a right to do. A railway company having entered into arrangements with a landowner to take his land was not entitled to back out of that arrangement, and if the railway company found they could not use the land they had either to keep it or get rid of it in the best way they could. He failed to see why county councils should be put in a better position than anybody else. If they were foolish enough to enter into a bad bargain they should be compelled to pay for it.

Mr. HARCOURT said the reason why it was necessary to put the county councils in a different position from other owners was that under this Bill the county councils were under a disability in acquiring land. They could only acquire land at such a price that they could let it. That was an obvious reason why the county councils should be relieved.

Question put.

The House divided :—Ayes, 200 ; Noes, 39. (Division List No. 417.)

AYES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Ainsworth, John Stirling
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.
Balfour, Robert (Lanark)
Barlow, Sir John E. (Somerset)
Barry, Redmond J.(Tyrone,N.)
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn,W.(T'wrHamlets, S. Geo.
Berridge, T. H. D.
Bertram, Julius
Bethell,Sir J.H.(Essex, Romf'd
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Burns, Rt. Hon. John
Byles, William Pollard
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins,SirWm.J.(S.Pancras,W.
Corbett,CH (Sussex,E.Grinst'd
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Ellis Williams (Eifion)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dickinson, W.H.(St.Pancras,N
Dilke, Rt. Hon. Sir Charles
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Essex, R. W.
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Findlay, Alexander
Fuller, John Michael F.
Fullerton, Hugh
Gill, A. H.
Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Gurdon, Rt. Hn.SirW.Bramptn
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harvey, A. G. C. (Rochdale)
Harvey,W.E.(Derbyshire,N.E.
Harworth, Arthur A.
Hazel, Dr. A. E.
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson,J.M. (Aberdeen,W.)
Henry, Charles S.
Higham, John Sharp
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Jowett, F. W.
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lamont, Norman

Lardner, James Carrige Rushe
Lea, Hugh Cecil(St.Pancras,E.
Leese, Sir JosephF.(Accrington
Lever, A. Levy (Essex,Harwich
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Lynch, H. B.
Macdonald, J. R. (Leicester)
Macdonald, J.M.(Falkirk B'ghs
Maclean, Donald
Macnamara, Dr. Thomas J.
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Mansfield, H. Rendal (Lincoln)
Markham, Arthur Basil
Marks, G.Croydon (Launceston
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Morley, Rt. Hon. John
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Nolan, Joseph
Norton, Capt. Cecil William
Nuttall, Harry
O'Donnell, C. J. (Walworth)
O'Kelly,James(Roscommon,N.
Parker, James (Halifax)
Pearce, Robert (Staffs., Leek)
Pearson, W.H.M. (Suffolk, Eye)
Pollard, Dr.
Price, C. E. (Edinb'gh,Central)
Pullar, Sir Robert
Radford, G. H.
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rees, J. D.
Rendall, Athelstan
Richards, Thomas (W.Monm'th
Richads, T.F.(Wolverh'mpt'n
Rickett, J. Compton
Roberts, Charles H. (Lincold)
Roberts, G. H. (Norwich)
Robertson,SirG.Scott (Bradf'rd
Robertson, J.M. (Tyneside)
Robson, Sir William Snowdon
Roe, Sir Thomas
Rogers, F. E. Newman
Rose, Charles Day
Rutherford, V. H. (Brentford)
Samuel, Herbert L.(Cleveland)
Samuel, S. M. (Whitechapel)
Sears, J. E.
Seddon, J.
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick B.)
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Steadman, W. C.
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thompson,J.W.H.(Somerset,E.
Torrance, Sir A. M.
Verney, F. W.
Vivian, Henry
Wadsworth, J.
Walker, H. De R. (Leicester)
Walsh, Stephen
Ward, John (Stoke upon Trent)
Wardle, George J.
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax
Wilkie, Alexander
Williams, J. (Glamorgan)
Wills, Arthur Walters
Wilson, Henry J. (York, W.R.
Wilson, John (Durham, Mid)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.
Wood, T. M'Kinnon
Yoxall, James Henry

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES

Acland-Hood,RtHn.Sir Alxe.F.
Ashley, W. W.
Balcarres, Lord
Barrie, H. T. (Londonderry,N.)
Beach, Hn. MichaelHugh Hicks
Bowles, G. Stewart
Bridgeman, W. Clive
Chamberlain,RtHn.J.A.(Worc.
Chaplin, Rt. Hon. Henry
Collings,Rt.Hn.J.(Birmingh'm)
Corbett, T. L. (Down, North)
Douglas, Rt. Hon. A. Akers-
Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Hardy,Laurence (Kent,Ashford
Harrison-Broadley, H. B.
Hill, Sir Clement (Shrewsbury)
Hunt, Rowland
Kennaway, Rt. Hn. Sir John H.
Kenyon-Slaney, Rt. Hn. Col.W.
Long, Rt.HnWalter (Dublin, S.
Lowe, Sir Francis William
Magnus, Sir Philip
Middlemore,John Throgmorton
Nicholson, Wm. G. (Petersfield)
Pease, Herbert Pike(Darlington
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson,John FrederickPeel
Smith, F.E.(Liverpool,Walton)
Turnour, Viscount
Valentia, Viscount
Wilson,S.Stanley (York, E.R.)

TELLERS FOR THE NOES—Mr. Cave and Sir Edward Boyle.

MR. HARCOURT said the next Amendment which he moved was in fulfilment of a promise which he had given upstairs in reply to what he considered a reasonable request as to the limit of time during which the county council should withdraw after determination of the amount. He had put in six weeks.

Amendment proposed—

"In page 13, line 7, after the word 'may,' to insert the words 'at any time within six weeks after the determination of the amount.'"—(*Mr. Harcourt.*)

Question, "That those words be there inserted," put, and agreed to.

MR. HARCOURT said the next Amendment which he moved had already been explained by him on a previous Amendment, and it was also in fulfilment of a promise he had given upstairs.

Amendment proposed—

"In page 13, line 9, to leave out the words 'and any notice to quit served on any tenant.'"—(*Mr. Harcourt.*)

Question, "That the words proposed to be left out stand part of the Bill," put, and negatived.

MR. HARCOURT: The further Amendment is consequential.

Amendment proposed—

"In page 13, lines 13 and 14, to leave out the words 'or to quit, as the case may be.'"—(*Mr. Harcourt.*)

Question, "That the words proposed to be left out stand part of the Bill," put, and negatived.

*SIR E. BOYLE, on the subsection providing for compensation for loss or expenses incurred in the event of withdrawal of notice to treat, moved to omit the words requiring the valuation to be determined by a single valuer and substituting instead arbitration. He submitted that owners and purchasers ought to be represented in the ordinary way at an arbitration; each side had a right to be protected by its own arbitrator. As the clause stood the owner had taken from him that right to protect his own property which he had always possessed.

MR. HICKS BEACH, in seconding the Amendment, said it appeared to him that in a case of this kind both sides were entitled to be properly and fairly represented. Under a valuation, as he understood, neither side had an opportunity of hearing the arguments of the other, and therefore, could not reply to them. He did not see that any material expense would be incurred by the county council in employing an arbitrator instead of a valuer, and it certainly would have the advantage of removing any cause of bad feeling that might occur if each party concerned were not allowed to state their case as fully as they pleased in answering the arguments of the other side.

Amendment proposed—

"In page 13, lines 16 and 17, to leave out the words 'valuation by a single valuer appointed by the Board,' and to insert the word 'arbitration.'"—(*Sir E. Boyle.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. HARCOURT said that, while not agreeing with hon. Members opposite as to the merits of an arbitrator or a valuer generally, he did agree that this was a case in which each of the parties were entitled to an arbitrator. He fully maintained his opinion, however, as to the cheapness of the valuer. This was one of the cases, however, where he thought there should be arbitration, and he therefore accepted the Amendment.

Amendment agreed to.

MR. HICKS BEACH in moving the omission of Clause 27 (power to renew tenancy of land acquired compulsorily), said he did so because he did not see what reason there was why the county council, after having compulsorily acquired the land for thirty-five years, should be able, at the end of that period to renew the lease for another period of thirty-five years. It practically meant that the county council might have a perpetual lease of the land entirely against the will of the owner, and the landlord had no option at all to sell the land to the county council. He thought that in cases where the county council wished to renew their tenancy of the land which had been compulsorily hired, they would do so only where the holdings had been a success. If the landlord still objected to leasing his land to the county council, he did not see why the county council should not listen to his wishes in some way and buy the land outright. Where the holdings were a success, surely it would be no hardship on the county council after the period of thirty-five years to raise a loan and buy the land outright. He hoped the right hon. Gentleman would either reject this clause or accept the Amendment of his right hon. friend below him to the effect that if the landlord wished it, at the end of the lease, the county council should buy the land. The whole interest of the landlord in his property would be taken away by this compulsory hiring of land by the county council; he would have absolutely no control over it himself, and he would be deprived of the whole pleasure of ownership. In place of that he would get an annual rent, which the right hon. Gentleman said would be very valuable, because it would be secured on the rates. He did not believe that this would be any attraction to anybody who wished to purchase the estate. People only bought estates because they wished to possess them, to have complete control of them, and to do with them what they thought best. If a landlord had a portion of his estate compulsorily taken from him for thirty-five years, he would be deprived of the whole pleasure of it, and he would very likely put it up to auction. Its value would be materially decreased, because nobody would be anxious to buy it simply to be able to receive rents. He hoped the right hon. Gentleman would reconsider his decision, and at any rate, if he did not agree to omit the clause, accept the Amendment of his right hon. friend.

VISCOUNT MORPETH (Birmingham, S.) said the right hon. Gentleman opposed the proposal which had just been made, but even that was fairer to the owner who was supposed to part with his land on lease to the county council, because under that scheme he would have had a fixed rent charge which would have been certain and permanent. Under this proposal not only was the owner deprived of his property, but he only got a rent charge for an indefinite period. The owner would not be in a position to raise money on the rent charge. It was obvious that it would be an advantage to the county council to be able to acquire the land without having to raise money by way of loan, but it was not fair, in order to save the county council from the obligation of raising a loan to pay for the land, to throw that obligation on the owner. It could not be so good a security if the land might be returned on the owner's hands. If the money had to be raised it should be raised by the county council who leased the land and not by the owner. One of the rights of property was that the owner should be able to sell it and use the proceeds for some other purpose. It used to be one of the tenets of the Liberal Party that land should be easily saleable. It had already been pointed out that under this proposal very great difficulties would be put in the way of the sale of land. It would be very hard to sell land from which all the advantages that a purchaser looked to when he was proposing to buy land had been removed. Most hon. Members had seen new estates being developed. He knew an instance of three estates where the land used to belong to a number of small and independent freeholders. What led to their formation? The creators of those estates were men who had made money and had bought estates for pleasure. It was beside the point to debate it, but that was the motive which influenced a great number of persons who went into the market to buy land. If by removing all the rights of property in land and the pleasures they carried with them, they diminished the desire to purchase they would help to sterilise the price. He opposed this clause because it conferred real ownership without the proper price being paid for it. This system of compulsory hiring entailed a great number of qualifications with regard to the fixing of rent when the term was renewed. None of those qualifications would have been necessary if the county council had bought the land outright. Subclause (*c*) laid down, "that the establishment by the council of other small holdings or allotments in the neighbourhood," should not be taken as a reason for increasing the rent. They had debated the principle of betterment on another clause and it was shown clearly that whatever might be said for the abstract principle, in actual practice it was almost hopeless to put it into operation in this case because of the impossibility of saying to what the increase in value was due. He was sure any valuer would find the greatest difficulty in attempting to assess the increased value. This clause entailed all sorts of difficulties which would be avoided if the county council bought the land out and out, and for that reason he should vote for the striking out of the clause. If the State desired to reap the advantage accruing from any enhancement in the value of the land the proper way was to buy the land in the first instance. Under this measure if the land increased in value they could keep possession of it by re-hiring, but if the land diminished in value the county council had it in their power to throw it back on the hands of the owner. He did not think that was equal justice between the owner and the public. He begged to second the Amendment.

Amendment proposed—

"In page 13, line 22, to leave out Clause 27."—(*Mr. Hicks Beach.*)

Question proposed, "That the words proposed to be left out, to the word, 'valuation' in page 13, line 29, stand part of the Bill."

MR. HARCOURT said that they had inserted in the Bill the principle of compulsory hiring and had declined to insert leases in perpetuity. The reasons for the special renewal provision in Clause 27 was very simple. If the county council still had a need or a demand for the land, even if there were no renewal powers, they would go to the Board for another compulsory order of acquisition, and certainly they would receive an order for compulsory hiring. This clause contained a cheapening of the process for the advantage of the tenant, the county council, and the landlord. If the county councils were compelled always to buy the land which they acquired, they would be practically excluded altogether from the temporary use of suburban land, which was perhaps being let at an agricultural rent while not wanted for actual building purposes.

*MR. GEORGE FABER said that on the broad principle it was a new departure in legislation to give an option to a local authority at the end of thirty-five years to continue a lease in perpetuity. Let the local authority have a trial trip for thirty-five years in order to see if small holdings could be made to pay. At the end of that time it was not unreasonable to ask that the lease should either be ended or that the property should be bought outright. This provision would hang a sword of Damocles over the landlord's head for all time. He would never know where he was, and he would have no power to resume possession of his property. This was not a double option; it was an option on one side. The landlord was to be at the mercy of the local authority. They were to determine whether they would continue the lease or not. He did not think that was fair. This was a national measure, and the House should endeavour to do justice so that no one should have any grievance. He knew that this clause contained the central principle of the Bill, and therefore he would be optimistic indeed if he imagined that the right hon. Gentleman would at the eleventh hour accede to the request of himself and his friends. The House, however, ought to look at the matter from the point of view of justice. The reason why the right hon. Gentleman was doing an injustice was that he wished to work this matter as economically as possible; he did not think that the local authorities would as a rule be in a position to purchase land outright, but that was a bad reason for inflicting injustice on the landlords.

MR. FELL (Great Yarmouth) said he wished to refer to the unfortunate position in which the landlords would be placed if the land was taken for a period of thirty-five years. If the allotments were a great success, he did not think there would be very much doubt that the landlord would know some time before the expiry of the thirty-five years that the local authority would desire to lease the land again. But if they were only a partial success he would not know during the last year of the thirty-five years period whether the land was to be thrown back on his hands to be cultivated by himself or taken for the next thirty-five years. His son might be growing up, and it might be the intention that he should cultivate the land, but if the local authority said they were going to take a fresh lease for thirty-five years, the landlord's son would have wasted his time, because he would not be able to enter on the occupation to which he had been looking forward. That condition of extreme doubt and difficulty would prevail in all cases where allotments were only moderately successful. It would put the owner of the land in a position which would be almost intolerable during the last year or two of the lease. A landlord might wish to take back some ground for the purpose of improving the amenities of his house, but under this clause he would not know whether he would be able to get it back. His wish to continue to reside at the place might depend largely on the question whether he could get the land he wanted round his house, but he would not know until near the expiration of the thirty-five years whether he would be able to get the land, and that was a position of hardship in which he ought not to be placed. On these grounds he supported the Amendment.

MR. E. GARDNER (Berkshire, Wokingham) was understood to say that the landlord at the end of thirty-five years should have the right to ask the local authority to purchase the land outright. The clause as it stood would be unjust to the landlord, and he supported the Amendment because he believed it would in some measure obviate that injustice.

Question put.

The House divided:— Ayes, 202; Noes, 43. (Division List No. 418.)

AYES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Ainsworth, John Stirling
Allen, A. Acland (Christchurch)
Ashton, Thomas Gair
Baker, Sir John (Portsmouth)
Balfour, Robert (Lanark)
Barlow, Sir John E. (Somerset)
Barry, Redmond J. (Tyrone, N.)
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn, W. (T'w'r Hamlets, S. Geo.
Berridge, T. H. D.
Bertram, Julius
Bethell, Sir J. H. (Essex, Romf'rd
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W
Corbett, CH (Sussex, E. Grinst'd
Cowan, W. H.
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dickinson, W. H. (St. Pancras, N.
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Essex, R. W.
Esslemont, George Birnie
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Findlay, Alexander
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gill, A. H.
Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Gurdon, Rt Hn. Sir W. Brampton
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harvey, A. G. C. (Rochdale)
Harvey, W. E. (Derbyshire, N. E.
Haworth, Arthur A.
Hazel, Dr A. E.
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire)
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lamont, Norman
Lea, Hugh Cecil (St. Pancras, E.)
Leese, Sir Joseph F. (Accrington
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs)
Maclean, Donald
Macnamara, Dr. Thomas J.
M'Callum, John M.
M'Crae, George
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Montagu, E. S.
Montgomery, H. G.
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Nicholson, Charles N. (Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Donnell, C. J. (Walworth)
O'Kelly, James (Roscommon, N
Parker, James (Halifax)
Pearce, Robert (Staffs, Leek)
Pearson, W. H. M. (Suffolk, Eye)
Pollard, Dr.
Price, C. E. (Edinb'gh, Central)
Pullar, Sir Robert
Radford, G. H.
Rea, Russell (Gloucester)
Rees, J. D.
Rendall, Athelstan
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mpt'n
Rickett, J. Compton
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'rd
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Roe, Sir Thomas
Rogers, F. E. Newman
Rose, Charles Day
Rutherford, V. H. (Brentford)
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Sears, J. E.
Seddon, J.
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick B.)
Sherwell, Arthur James
Shipman, Dr. John G.

Simon, John Allsebrook
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Steadman, W. C.
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Taylor,TheodoreC.(Radcliffe)
Thompson,J.W.H.(Somerset,E
Torrance, Sir A. M.
Verney, F. W.
Vivian, Henry
Wadsworth, J.
Walker, H. De R. (Leicester)
Walsh, Stephen
Ward,John(Stoke upon Trent)
Wardle, George J.
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, J. D. (Dumbartonshire)
Whitley, John Henry (Halifax)
Wilkie, Alexander
Williams, J. (Glamorgan)
Wills, Arthur Walters
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid)
Wilson,P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.
Wood, T. M'Kinnon
Yoxall, James Henry

Tellers for the Ayes—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood,RtHn.SirAlex.F.
Arkwright, John Stanhope
Ashley, W. W.
Aubrey-Fletcher,Rt.Hon.SirH.
Balcarres, Lord
Barrie, H. T. (Londonderry,N.)
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Carlile, E. Hildred
Cave, George
Chamberlain,RtHn.J.A.(Worc.
Chaplin, Rt. Hon. Henry
Collings,Rt.Hn.J.(Birmingh'm
Douglas, Rt. Hon. A. Akers-
Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Gretton, John
Hardy,Laurence(Kent,Ashford
Harrison-Broadley, H. B.
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hunt, Rowland
Kennaway,Rt.Hon.SirJohn H.
Kenyon-Slaney,Rt.Hon.Col.W.
Lane-Fox, G. R.
Lowe, Sir Francis William
Magnus, Sir Philip
Middlemore,JohnThrogmorton
Mildmay, Francis Bingham
Nicholson, Wm.G.(Petersfield)
Randles, Sir John Scurrah
Rawlinson,John Frederick Peel
Smith,F.E.(Liverpool,Walton)
Valentia, Viscount
Wilson, A. Stanley (York,E.R.)

Tellers for the Noes—Mr. Hicks Beach and Viscount Morpeth.

Mr. HICKS BEACH said he wished to move the Amendment standing in the name of his hon. friend the Member for Kingston to leave out on line 29 of Clause 27, "valuation by a valuer appointed by the Board," and insert "arbitration." He hoped the right hon. Gentleman would favourably consider this Amendment, because he thought that both sides should have an opportunity of being fully heard.

Mr. FELL seconded the Amendment.

Amendment proposed—

"In page 13, line 29, to leave out the words 'valuation by a valuer appointed by the Board,' and to insert the word 'arbitration.'"—(*Mr. Hicks Beach.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. HARCOURT said he regretted he could not accept the Amendment. This was merely a question of fixing a fair rent on renewal of the lease. They had already agreed that a valuer was sufficient to fix the rent of the land already obtained, and a valuer was quite sufficient to fix a rent on renewal. There was no necessity for arbitration. The valuer would have to examine the various conditions that operated in fixing the rent. There was a great distinction between this Bill and that of 1894, because they had now a power of resumption of the land for industrial and other purposes, and therefore, the prospective value had not been considered by the person fixing the rent. By the procedure under the Bill they had a perfectly simple, everyday, commonplace decision of the valuator as to what was to be paid for this compulsory hiring. It was essential for the success of the scheme that legal processess, which were always unpleasant, necessary as they sometimes were, should be as economically conducted as possible.

Mr. HICKS BEACH asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

Mr. CHAPLIN moved to add to the clause the following subsection; "(3) Within six months after the receipt of the notice mentioned in Subsection (1) of this section the landlord may, by notice in writing, require the council to purchase the land, and thereupon the council shall purchase the land as if the council had obtained an order authorising them to purchase the land, and had served upon the landlord a notice to treat in respect thereof." He said that it was very difficult to find any new argument in regard to the question which he was submitting to the House, although there might be many new arguments in regard to those clauses with regard to compensation which they had not and never would consider. On the particular subject before the House, he expressed his views last night as to the purchase of holdings, but the views which he sought to advance on this occasion had more weight than those which could be advanced in regard to purchase as a whole. Indeed, if they in that House did not consist of two political parties sitting on opposite sides the proposal had only to be stated to command general support. The proposal was this. Under the Bill powers were taken of compulsorily hiring land from the landlord for either fourteen or thirty-five years, and at the end of leases of that character powers were given to the county council to renew for a period of seventy years, for which period they were to all intents and purposes going to take over practical possession of the property of the landlord and to leave him no interest in his property except in regard to the rent which the county council might allow him. But that was not all; because at the end of seventy years the county council had nothing to do but to go to the Board of Agriculture and apply again for another period of seventy years. Such a system was certainly not much removed from perpetuity of tenure, although it was put on a different footing which would make it totally unsatisfactory to the landlord. He trusted he was not out of order in referring to what the right hon. Gentleman in charge of the Bill had said. He said it was a lease in perpetuity, but if it was a lease of that character he would on a previous occasion have given a different vote and gone into the opposite lobby to that which he did. If they took a man's property in perpetuity and converted him into a rent charger, they were bound in fairness and justice to pay him for his land, and except in a political assembly where party feeling ran high it would not be held that they should not do so. The right hon. Gentleman had said that the landlords could sell their property because they had at their back a guarantee for the payment of their rent from a solvent public body. He said, however, that property of that sort held under such terms offered practically no inducement to people to buy except as an investment. But they were only at the commencement of these proceedings, because they had to see if the experiment was a success. He hoped it would be, but he doubted it and he would require proof of it. He would require to see it a success in regard to the land which they were taking without payment. He wished to make one more appeal to the Government. When they came to the end of the first period of hiring, if the county council desired to renew their lease it practically meant that the experiment had been a success and that therefore they would want to keep the land for all time. In those circumstances he could not understand the refusal to compel the county council to pay the landlord in cash the value of his property.

Amendment proposed—

"In page 14, line 11, at the end, to insert the words '(3) Within six months after the receipt of the notice mentioned in Subsection (1) of this section the landlord may, by notice in writing, require the council to purchase the land, and thereupon the council shall purchase the land as if the council had obtained an order authorising them to purchase the land, and had served upon the landlord a notice to treat in respect thereof.'"—(*Mr. Chaplin.*)

Question proposed, "That those words be there inserted."

Sir W. ROBSON admitted, as the right hon. Gentleman had said, that at this stage of the proceedings it was not easy to find any new arguments in regard to the Bill, and the same remark applied to this proposal which was rather more startling than that which preceded it.

It was that the council should be compelled to purchase at the end of the first period. They were familiar with the argument that the owner should be compelled to sell to the public authority, but it was a novel proposal that the public authority should be compelled to purchase. As the right hon. Gentleman had said, if at the end of thirty-five years the council still desired to continue that would be evidence that the experiment had been a success and that they wished to perpetuate the tenure. His own idea was that at the end of the period of hiring the landlord would find the local authority so good a tenant that he would be unwilling to sell and would rather renew the old arrangement. If, however, he wished to sell and the county council wished to purchase they would purchase and it was open to them to do so. But he did not see why they should put a unilateral compulsion upon them.

MR. LAURENCE HARDY (Kent, Ashford) said he was not convinced by the Solicitor-General's argument, although the hon. and learned Gentleman seemed to think it was very convincing. He said that this proposal was novel, but so was the proposal in the clause itself. If the county council did not purchase or renew the lease, the latter came to an end, and the landlord resumed possession of his land and it seemed to him that the novel position was that taken up on the other side of the House. On the general question he also would make an appeal to the Government. He thought there was great force in what was put forward by those who supported this Amendment. They were told that the fact that this arrangement could go on as long as the local authority cared to continue it increased the possibilities of the landlord in regard to sale. They were also told that the local authority at the end of the first period might purchase if they liked, but surely that was a most extraordinary argument when the Government had taken extraordinary precautions under the Bill to say that the local authority should not purchase at all. He did not think that the Government could put forward the argument that they were increasing the selling power of the landlord or the selling price of the land. In fact they all knew that the land would be unsaleable because of this matter hanging over it. After the thirty-five years had expired a new condition of things ought to be allowed. The Government said they were bringing in a new procedure, but had they any right to bring in a new procedure which constituted an injustice? The procedure under the Bill was a novel one and was going far beyond anything which the House had done before. It took from the landlord the perpetual management of his own land and the local authority, having deprived the landlord of his right to do as he pleased with his property during the hiring period of thirty-five years, whether it had made a good bargain or not, should at the end of that period give the unfortunate landlord the capital value of his property so that he might do what he liked with his own. He felt very strongly that there was very great justice in the Amendment put forward and he hoped the Government would give it their consideration.

VISCOUNT HELMSLEY thought the Solicitor-General had advanced a most extraordinary argument against the Amendment. The hon. and learned Gentleman seemed to look on renewal and non-renewal as against purchase as if both the contracting parties were free. But that was not the case; the circumstances were very different indeed. By this Bill they were binding the landlord to accept the terms of the county council. He had no option of refusing to renew, and yet they were told that if the county council wanted the land in perpetuity, they would buy it. How was that conclusion arrived at? If the county council wanted this land in perpetuity, they got it under the Bill by renewing the lease every thirty-five years with the probability of a reduction of rent at every break of the lease. If the tenants of the county council had depreciated the value of the land, it was the most likely thing in the world that the valuer who valued the land would reduce the rent to be paid by the county council. When they could gain the land in perpetuity by renewals every thirty-five years, they would not purchase the land unless there was something in the Bill compelling them to do so. Another of the hon. and learned Gentleman's arguments was that a landlord would not want to sell the land, because such a rent-charge would probably give him better interest than he otherwise would get. That landlords would not be willing to sell on that ground he could hardly believe, because not only could they get better security and interest from other investments, but at any time that the county council wanted to get rid of the land the landowners would have to find an immense capital sum to pay for the improvements, drainage, and so on. He could not imagine any landlord, if this Amendment was passed, who would not compel the county council to buy the land. As it was, the Government had thrown the risk of failure on the landlord and not on the county council, but if the county council had been justified in acquiring the land, what earthly objection could there be to their purchasing it? If the thing was to be done fairly and owners of land were to be treated as owners of other property would be treated under similar circumstances, he would have thought that any assembly of men, not divided as that House was by Party considerations, would have recognised the reasonableness and justice of the Amendment. By this Bill the Government gave the county councils all the advantages of purchase without their having to pay for them, and if that was not predatory he did not know the meaning of the word. He had said that the landlord would be willing to sell his land under these circumstances, but would he find a buyer for this annual rent-charge which was said to be such a grand security? He could not imagine the landlord under any circumstances being able to transfer the remnants of his rights of property to anybody in the world. Nobody would be such a fool as to purchase under the circumstances. He supported the Amendment with all the force at his command.

Mr. HARCOURT said the noble Lord, no doubt quite unintentionally, had misrepresented the Bill. If he would look at the end of Clause 27 he would find that it disposed of his statement that under the valuation the landlord was likely to have a lower rent owing to the deprecia-

tion of the land by the county council and their tenant. There he would find words specially inserted to obviate any such result. So long as the land was compulsorily hired the landlord would not suffer in his rent in consequence of depreciation.

Viscount HELMSLEY asked whether, if the tenancy was changed, the new tenant would pay the same rent, although the land had deteriorated.

Mr. HARCOURT said the council would have to pay the rent to the landlord without any deduction owing to deterioration.

Colonel KENYON-SLANEY said that although they were familiar with the arguments in favour of compelling a landlord to sell his property, the Solicitor-General pretended to be horrified by the suggestion that the public authority should be compelled to buy. If they compelled a landlord to sell his rights of property, the persons to whom those rights were transferred should be compelled to carry out their bargain. The Solicitor-General was defending the rankest and grossest injustice ever suggested, and he hoped to get from a packed jury a verdict in his favour. When in another place they found a leader whom they had been craving to follow speaking in the interests of the country at large, they lifted up their hands in horror at the way in which he had degenerated. Because the noble Lord had spoken in the interests of justice he had ceased to be a Leader of the Liberal Party. He wondered whether there was any case within the knowledge of any person who had transacted business, either public or private, in which there were two parties to the negotiation, where the option was denied to one while it could be exercised most detrimentally against him by the other? He could not conceive in a case in which hon. Members were trustees for property or settlements or where they had been called in to adjudicate on matters affecting other people, as some of them had, any conditions under which they would say to one side, "No, you are bound to lose, I cannot do anything for you," and to the other, "I cannot deny you any opportunity of gaining." There was no element of fair play in it. They took the land by compulsion, and when they had proved its value, why should they not at the end of the term give the landlord the price of the article which they had taken from him? It was asserted that the rent-charge was a saleable and valuable commodity; some of them thought that it was unsaleable and valueless, and was very likely to go down in the same way that Consols went down under a Liberal administration, and for the same reason—want of confidence in the support that the country would give to their measure. Although the right hon. Gentleman and the Solicitor-General by his side were staunch opponents of confiscatory and predatory legislation, they had no assurance that there might not in the future be those in power who would be proud to confiscate and proud to be predatory. There was one simple way to deal with this question. The landlords were forced against their will to resign their property, and they asked the Government to pay for what they took, and the Government in so far as they declined to buy were denying them justice.

Question put.

The House divided:—Ayes, 61; Noes, 235. (Division List No. 419.)

AYES.

Acland-Hood,RtHn.SirAlex.F.
Anson, Sir William Reynell
Arkwright, John Stanhope
Ashley, W. W.
Aubrey-Fletcher,Rt.Hn. Sir H.
Balcarres, Lord
Balfour, RtHn.A.J.(CityLond.)
Banbury, Sir Frederick George
Barrie, H.T. (Londonderry, N.)
Beach, Hn.MichaelHugh Hicks
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Carlile, E. Hildred
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Chamberlain,Rt.Hn.J.A.(Worc
Chaplin, Rt. Hon. Henry
Collings,Rt.Hn.J.(Birm'gham)
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Gretton, John
Hardy,Laurence (Kent,Ashf'rd
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hills, J. W.
Hunt, Rowland
Kennaway, Rt. Hn. Sir JohnH.
Kenyon-Slaney, Rt. Hn.Col.W.
Lane-Fox, G. R.
Law, Andrew Bonar (Dulwich)
Lonsdale, John Brownlee
Lowe, Sir Francis William
Magnus, Sir Philip
Middlemore, JohnThrogmorton
Mildmay, Francis Bingham
Moore, William
Morpeth, Viscount
Nicholson, Wm. G. (Petersfield
Nield, Herbert
Parker,Sir Gilbert (Gravesend)
Pease,Herbert Pike(Darlington
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson,John Frederick Peel
Smith,F.E. (Liverpool, Walton
Wilson,A.Stanley (York, E.R.)

TELLERS FOR THE AYES—Viscount Valentia and Lord Edmund Talbot.

NOES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Ainsworth, John Stirling
Alden, Percy
Allen,A.Acland (Christchurch)
Ashton, Thomas Gair
Baker, Sir John (Portsmouth)
Baker,Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow,Sir John E. (Somerset)
Barry, Redmond J.(Tyrone,N.)
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn,W.(T'w'r Hamlets,S.Geo.
Berridge, T. H. D.
Bertram, Julius
Bethell, SirJ.H.(Essex,R'mf'rd
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Buchanan, Thomas Ryburn
Byles, William Pollard
Carr-Gomm, H. W.
Cawley, Sir Frederick
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clarke, C. Goddard (Peckham)
Cleland, J. W.
Clough, William
Clynes, J. R.
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Collins,SirWm.J.(S.Pancras,W.
Corbett,C,H.(Sussex,E.Grinst'd
Cowan, W. H.
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dickinson,W.H.(St.Pancras,N.
Dilke, Rt. Hon. Sir Charles
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Findlay, Alexander
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fullerton, Hugh
Gibb, James (Harrow)
Gill, A. H.

Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Gurdon, Rt. Hn. Sir W. Brampt'n
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r
Harmsworth, R. L. (Caithn'ss-s)
Harvey, A. G. C. (Rochdale)
Harvey, W. E. (Derbyshire N. E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones, Sir D. Brynmor (Swansea
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Jowett, F. W.
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G. (Leominst'r
Lambert, George
Lamont, Norman
Lea, Hugh Cecil (St. Pancras, E.)
Leese, Sir Joseph F. (Accrington
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Lynch, H. B.
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs.
Mackarness, Frederic C.
Maclean, Donald
Macnamara, Dr. Thomas J.
M'Callum, John M.
M'Crae, George
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Molteno, Percy Alport
Montgomery, H. G.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Nicholson, Charles N. (Donc'st'r
Nolan, Joseph
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Donnell, C. J. (Walworth)
O'Grady, J.
O'Kelly, James (Roscommon, N.
Parker, James (Halifax)
Pearce, Robert (Staffs. Leek)
Pearson, W. H. M. (Suffolk, Eye)
Philipps, Col. Ivor (S'thampt'n
Pollard, Dr.
Price, C. E. (Edinburgh, Central)
Priestley, W. E. B. (Bradford, E.)
Radford, G. H.
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Rees, J. D.
Rendall, Athelstan
Richards, Thomas (W. Monm'h
Richards, T. F. (Wolverh'mp'n
Rickett, J. Compton
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'd
Robertson, J. M. (Tyneside)
Robson, Sir William Snowdon
Roe, Sir Thomas
Rogers, F. E. Newman
Rose, Charles Day
Runciman, Walter
Rutherford, V. H. (Brentford)
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott, A. H. (Ashton under Lyne
Sears, J. E.
Seddon, J.
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick B.
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.)
Steadman, W. C.
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thompson, J. W. H. (Somerset, E.
Torrance, Sir A. M.
Ure, Alexander
Verney, F. W.
Vivian, Henry
Wadsworth, J.
Walker, H. De R. (Leicester)
Walsh, Stephen
Ward, John (Stoke upon Trent)
Ward, W. Dudley (South'mpt'n
Wardle, George J.
Waring, Walter
Waterlow, D. S.
Weir, James Galloway
White, J. D. (Dumbartonshire)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilkie, Alexander
Williams, J. (Glamorgan)
Wills, Arthur Walters
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.
Wood, T. M'Kinnon
Yoxall, James Henry

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

Amendment proposed—

"In page 14, line 17, to leave out from the word 'years' to the end of the subsection."—(*Mr. Cave*).

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. HARCOURT said he did not really see what the hon. and learned Member meant by this Amendment. It would only give to the life tenant power to do by agreement what the local authority enforced upon him by compulsion. It was only a reasonable provision and he thought it ought to be retained.

Amendment, by leave, withdrawn.

Amendments proposed—

"In page 15, line 18, after the word 'shall,' to insert the words 'be authorised by an order under this Act to.'"

"In page 15, line 19, after the word 'which,' to insert the words 'at the date of the order.'"—(*Mr. Harcourt.*)

Amendments agreed to.

Viscount HELMSLEY, on behalf of the hon. Member for the Whitby Division, moved to insert in line 20, on page 15, the words "home farm." It had been said that this point was covered by the Bill, but he wished to point out that there was a precedent for it in the Scottish Land Bill. He hoped the right hon. Gentleman would be able to accept the Amendment.

Mr. GEORGE FABER seconded.

Amendment proposed—

"In page 15, line 20, after the word 'ground' to insert the words 'home farm.'"—(*Viscount Helmsley.*)

Question proposed, "That those words be there inserted."

Mr. HARCOURT said they had a very interesting discussion on this point in Committee upstairs, and hon. Gentlemen representing the Opposition accepted his suggestion that on the whole the words "home farm" were not easy to define. The words of the clause he was assured entirely covered "home farm" and other matters.

***Mr. GEORGE FABER** said that in the Scottish Bill it was thought necessary in a like case to insert the words "home farm," but the right hon. Gentleman in charge of this measure seemed to take a different view.

Viscount HELMSLEY asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Amendments proposed—

"In page 15, line 21, after the word 'which' to insert the words 'at that date.'"—(*Mr. Harcourt*).

"In page 15, line 24, at the end, to add the words 'and, subject to the foregoing provisions, preference shall be given to land which is not farmed by or in the occupation of any tenant.'"—(*Mr. Lane-Fox.*)

Amendments agreed to.

Mr. HARCOURT moved an Amendment on Clause 30 to carry out an arrangement which was come to with hon. Members upstairs. He accepted some words of an Amendment in Committee, but immediately afterwards he realised that they might carry a meaning which was not intended and he explained at once that he must replace them by other words. He begged to move.

Amendment proposed—

"In page 15, line 31, to leave out from the word 'and,' to end of subsection, and to insert the words 'for that purpose, where part only of a holding is taken, shall take into consideration the size and character of the existing agricultural buildings not proposed to be taken, which were used in connection with the holding, and the quantity and nature of the land available for occupation therewith.'"—(*Mr. Harcourt.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. CHAPLIN said he could not agree to this Amendment. The right hon. Gentleman had spoken of an arrangement. There was no arrangement so far as those on that side of the House were concerned. The closing words of Subsection (2) of Clause 30 were as follows—

"And in particular shall avoid taking a part of a holding so that sufficient land would not be left for the economic and profitable use of the existing agricultural buildings and equipment of the holding."

Nothing could be fairer than that proposal, but there was a great difference between it and the proposal which the right hon. Gentleman now asked to substitute. No doubt what the right hon. Gentleman proposed was better than nothing at all, but it was not nearly so good as the proposal in the clause. That being so, he must oppose the change.

Mr. HARCOURT said it was to avoid the possibility of misconstruction that the Amendment was proposed.

***Mr. GEORGE FABER** said he was sorry the right hon. Gentleman had proposed an alteration in the clause as it left the Committee upstairs. In doing so he had shown weakness by acceding to the demand of extremists on his own side. He and his friends did not think the right hon. Gentleman had done justice to himself or to them in proposing this Amendment on the Report stage.

MR. HICKS BEACH expressed regret that the right hon. Gentleman had not seen his way to stand by the words passed in Committee.

And, it being half-past ten of the clock, Mr. SPEAKER proceeded, pursuant to the Order of the House of 9th August, to put forthwith the Questions on the Amendment already proposed from the Chair.

The House divided :—Ayes, 67 ; Noes, 263. (Division List No. 420.)

AYES.

Acland-Hood,Rt.Hn.SirAlex. F
Anson, Sir William Reynell
Arkwright, John Stanhope
Ashley, W. W.
Aubrey-Fletcher, Rt.Hn. SirH.
Balcarres, Lord
Balfour.RtHn.A.J.(City Lond.
Banbury, Sir Frederick George
Banner, John S. Harmood-
Barrie, H. T. (Londonderry, N.
Beach, Hn. Michael HughHicks
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Carlile, E. Hildred
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Chamberlain,RtHnJ.A. (Worc.
Chaplin, Rt. Hon. Henry
Collings.Rt.Hn. J.(Birmingh'm
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Gretton, John
Hardy,Laurence(Kent,Ashford
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hills, J. W.
Hornby, Sir William Henry
Hunt, Rowland
Kennaway, Rt. Hn. Sir John H
Kenyon-Slaney, Rt. Hn.Col.W.
Kimber, Sir Henry
Lane-Fox, G. R.
Law, Andrew Bonar (Dulwich)
Lonsdale, John Brownlee
Lowe, Sir Francis William
Lyttelton, Rt. Hon. Alfred
Magnus, Sir Philip
Middlemore,JohnThrogmorton
Mildmay, Francis Bingham
Moore, William
Morpeth, Viscount
Nicholson, Wm. G. (Petersfield)
Nield, Herbert
Parker,SirGibert (Gravesend)
Pease,Herbert Pike(Darlington
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson, John FrederickPeel
Scott, Sir S. (Marylebone, W.)
Smith, F.E.(Liverpool,Walton)
Talbot, Lord E. (Chichester)
Turnour, Viscount
Wilson, A.Stanley (York. E.R.)

TELLERS FOR THE AYES—Viscount Valentia and Mr. Forster.

NOES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Ainsworth, John Stirling
Alden, Percy
Allen, A.Acland (Christchurch)
Ashton, Thomas Gair
Baker, Sir John (Portsmouth)
Baker,Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barry, Redmond J. (Tyrone, N.
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Belloc, Hilaire Joseph Peter R.
Benn, W.(T'w'rHamlets,S.Geo.
Berridge, T. H. D.
Bertram Julius
Bethell,SirJ.H.(Essex,Romf'rd
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brodie, H. C.
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Byles, William Pollard
Carr-Gomm,H. W.
Causton,RtHn.RichardKnight
Cawley, Sir Frederick
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clarke, C. Goddard (Peckham)
Cleland, J. W.
Clough, William
Clynes, J. R.
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Collins,Sir Wm.J.(S.Pancras,W
Cooper, G. J.
Corbett,C.H(Sussex,E.Grinst'd
Cowan, W. H.
Cox, Harold
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dickinson, W.H.(St.Pancras,N
Dilke, Rt. Hon. Sir Charles
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Findlay, Alexander
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gibb, James (Harrow)
Gill, A. H.
Gladstone,Rt.Hn.HerbertJohn
Glover, Thomas
Gooch, George Peabody
Grant, Corrie

Mr. George Faber.

Greenwood, G. (Peterborough)
Gurdon, Rt. Hn Sir W. Brampton
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harmsworth, R. L. (Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey, W. E. (Derbyshire, N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones, Sir D. Brynmor (Swansea)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Jowett, F. W.
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G. (Leominst'r
Lambert, George
Lamont, Norman
Lea, Hugh Cecil (St. Pancras, E.
Leese, Sir Joseph F. (Accrington)
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Lyell, Charles Henry
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs.
Mackarness, Frederic C.
Maclean, Donald
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah (Down, S.
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Molteno, Percy Alport
Montgomery, H. G.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Nicholson, Charles N. (D'cast'r
Nolan, Joseph
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Donnell, C. J. (Walworth)
O'Grady, J.
O'Kelly, James (Roscommon, N
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pearson, W. H. M. (Suffolk, Eye)
Philipps, Col. Ivor (S'thampton)
Pollard, Dr.
Price, C. E. (Edinburgh, Central)
Priestley, W. E. B. (Bradford, E.)
Radford, G. H.
Rainy, A. Rolland
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro')
Rees, J. D.
Rendall, Athelstan
Richards, Thomas (W. Monm'h
Richards, T. F. (Wolverh'mpt'n
Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Br'df'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Robson, Sir William Snowdon
Roe, Sir Thomas
Rogers, F. E. Newman
Rose, Charles Day
Runciman, Walter
Rutherford, V. H. (Brentford)
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott, A. H. (Ashton under Lyne
Sears, J. E.
Seddon, J.
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick B.)
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley, Hon. A. Lyulph (Chesh.)
Steadman, W. C.
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Sutherland, J. E.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thompson, J. W. H (Somerset, E.
Torrance, Sir A. M.
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Wadsworth, J.
Walker, H. De R. (Leicester)
Walsh, Stephen
Walton, Sir John L. (Leeds, S.)
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent)
Ward, W. Dudley (S'thampton
Wardle, George J.
Waring, Walter
Warner, Thomas Courtenay T.
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilkie, Alexander
Williams, J. (Glamorgan)
Wills, Arthur Walters
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.
Wood, T. M'Kinnon
Yoxall, James Henry

TELLERS FOR THE NOES—Mr. Whiteley and Mr J. A. Pease.

Words there inserted in the Bill.

Mr. SPEAKER then proceeded successively to put forthwith the Question on any Amendments moved by the Government, of which notice had been given.

Amendments proposed—

"In page 15, line 35, after the word 'shall,' to insert the words 'be authorised by an order under this Act to.'"

"In page 15, line 41, after the word 'acquired,' to insert the words 'and to acquire for that purpose stints and other alienable common rights of grazing.'"

"In page 16, line 1, after the word 'created,' to insert the words 'or acquired.'"

"In page 16, line 1, to leave out the words 'over land acquired.'"

"In page 16, lines 2 and 3, to leave out the words 'and any similar rights otherwise acquired by the council.'"

"In page 17, line 30, after the word 'landlord,' to insert the words 'and his successors in title.'"

"In page 19, line 6, after the word 'formation,' to insert the words 'or extension.'"

"In page 39, line 7, to leave out the words 'assist co-operative societies and credit banks or societies,' and to insert the words 'may, subject to the provisions of this section, assist societies on a co-operative basis.'"

"In page 19, lines 8 and 9, to leave out the words 'furtherance of the provision and successful cultivation,' and to insert the word 'provision or the profitable working.'"—(*Mr. Harcourt.*)

Amendments agreed to.

Amendment proposed—

"In page 19, line 10, after the word 'allotments,' to insert the words 'whether in relation to the purchase of requisites, the sale of produce, credit banking or insurance, or otherwise, and may employ any society as their agents for the purpose.'"—(*Mr. Harcourt.*)

Question put, "That the Amendment be made."

The House divided:—Ayes, 268; Noes, 65. (Division List No. 421.)

AYES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Ainsworth, John Stirling
Alden, Percy
Allen,A.Acland(Christchurch)
Ashton, Thomas Gair
Asquith,Rt.Hon.HerbertHenry
Baker, Sir John (Portsmouth)
Baker,Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring,Godfrey(Isle of Wight)
Barlow,Sir John E. (Somerset)
Barnard, E. B.
Barry,Redmond J.(Tyrone,N.)
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn,W.(T'w'rHamlets,S.Geo.
Berridge, T. H. D.
Bertram, Julius
Bethell,SirJ.H.(Essex,Romf'rd
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brodie, H. C.
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Byles, William Pollard
Carr-Gomm, H. W.
Causton,Rt.Hn.RichardKnight
Cawley, Sir Frederick
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Clarke, C.Goddard (Peckham)
Cleland, J. W.
Clough, William
Clynes, J. R.
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
CollinsSirWm.J.(S.Pancras,W.
Cooper, G. J.
Corbett,CH(Sussex,E.Grinst'd)
Cowan, W. H.
Cox, Harold
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dickinson,W.H.(St.Pancras,N.
Dilke, Rt. Hon. Sir Charles
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Findlay, Alexander
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gibb, James (Harrow)
Gill, A. H.
Gladstone,Rt.Hn.HerbertJohn
Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Gurdon,RtHn.SirW.Brampton
Haldane, Rt. Hon. Richard B.
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harmsworth,Cecil B. (Worc'r)
Harmsworth,R.L.(Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey,W.E.(Derbyshire,N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson,J.M.(Aberdeen,W.)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Duneaton)
Jones,SirD.Brynmor(Swansea)
Jones, Leif (Appleby)
Jones,William (Carnarvonshire
Jowett, F. W.
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lambert, George
Lamont, Norman
Lea,HughCecil(St. Pancras,E.)
Leese,SirJosephF.(Accrington)
Lehmann, R. C.
Lever, A. Levy (Essex,Harwich
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Lyell, Charles Henry
Macdonald, J. R. (Leicester)
Macdonald,J.M.(FalkirkBg'hs)
Mackarness, Frederic C.
Maclean, Donald
Macnamara, Dr. Thomas J.
MacVeagh,Jeremiah(Down, S.)
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil

Marks,G.Croydon(Launceston)
Marnham, F. J.
Massie, J.
Masterman, C. F. G.
Micklem, Nathaniel
Molteno, Percy Alport
Montgomery, H. G.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Nicholson,CharlesN.(Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Donnell, C. J. (Walworth)
O'Grady, J.
O'Kelly,James(Roscommon,N.
Parker, James (Halifax)
Pearce, Robert (Staffs. Leek)
Pearson,W.H.M.(Suffolk,Eye)
Philipps,Col.Ivor(S'thampton)
Pollard, Dr.
Price, C. E. (Edinb'gh,Central)
Priestley,W.E.B.(Bradford,E.)
Radford, G. H.
Rainy, A. Rolland
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Rees, J. D.
Rendall, Athelstan
Richards, Thomas(W.Monm th
Richards,T.F.(Wolverh'mpt'n
Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson,SirG.Scott(Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Robson, Sir William Snowdon
Roe, Sir Thomas
Rogers, F. E. Newman
Rose, Charles Day
Runciman, Walter
Rutherford, V. H. (Brentford)
Samuel,HerbertL.(Cleveland)
Samuel, S. M. (Whitechapel)
Scott,A.H.(Ashton under Lyne
Sears, J. E.
Seddon, J.
Seely, Colonel
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick B.)
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley,Albert (Staffs., N.W.)
Stanley,Hn.A.Lyulph(Chesh.)
Steadman, W. C.
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Sutherland. J. E.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thompson,J.W.H.(Somerset,E.
Torrance, Sir A. M.
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Wadsworth, J.
Walker, H. De R. (Leicester)
Walsh, Stephen
Walton, Sir John L. (Leeds,S.)
Walson, Joseph (Barnsley)
Ward,John (Stoke upon Trent)
Ward,W.Dudley(Southampton
Wardle, George J.
Waring, Walter
Warner, Thomas Courtenay T.
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitley,JohnHenry(Halifax)
Wiles, Thomas
Wilkie, Alexander
Williams, J. (Glamorgan)
Wills, Arthur Walters
Wilson, Henry J. (York, W. R.)
Wilson, John (Durham, Mid).
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.
Wood, T. M'Kinnon
Yoxall, James Henry

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood,RtHn.SirAlex.F.
Anson, Sir William Reynell
Arkwright, John Stanhope
Ashley, W. W.
Aubrey-Fletcher,Rt.Hon.SirH.
Balcarres, Lord
Balfour,RtHn.A.J.(CityLond.)
Banbury, Sir Frederick George
Banner, John S. Harmood-
Baring,Capt.Hn.G(Winchester
Barrie, H. T. (Londonderry,N.)
Beach, Hn.MichaelHugh Hicks
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Bull, Sir William James
Carlile, E. Hildred
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Chamberlain,RtHn.J.A.(Worc.
Chaplin, Rt. Hon. Henry
Collings, Rt.Hn.J.(Birmingh'm
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Gretton, John
Hardy,Laurence(Kent,Ashford
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Hill,SirClement (Shrewsbury)
Hornby, Sir William Henry
Hunt, Rowland
Kennaway,Rt.Hon.SirJohnH.
Kenyon-Slaney,Rt.Hon.Col.W.
Kimber, Sir Henry
Lane-Fox, G. R.
Law,Andrew Bonar (Dulwich)
Lonsdale, John Brownlee
Lowe, Sir Francis William
Lyttelton, Rt. Hon. Alfred
Magnus, Sir Philip
Middlemore,JohnThrogmorton
Mildmay, Francis Bingham
Moore, William
Morpeth, Viscount
Nicholson, Wm.G.(Petersfield)
Nield, Herbert
Parker,SirGilbert(Gravesend)
Pease,HerbertPike (Darlington
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson,John FrederickPeel
Scott, Sir S. (Marylebone, W.)
Smith,F.E. (Liverpool,Walton)
Talbot, Lord E. (Chichester)
Wilson,A.Stanley(York,E.R.)

TELLERS FOR THE NOES—Viscount Valentia and Mr. Forster.

Amendment proposed—

"In page 19, line 13, to leave out the words 'purposes aforesaid guarantee,' and to insert the words 'purpose of assisting a society give guarantees.'"—(*Mr. Harcourt.*)

Amendment agreed to.

Amendment proposed—

"In page 19, line 13, after the word 'make,' to insert the words 'grants or.'"

Question put, "That the Amendment be made."

The House divided:—Ayes, 273; Noes, 63. (Division List No. 422.)

AYES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Ainsworth, John Stirling
Alden, Percy
Allen, A. Acland(Christchurch)
Ashton, Thomas Gair
Asquith, Rt. Hn. Herbert Henry
Baker, Sir John (Portsmouth)
Baker, Joseph A.(Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey(Isle of Wight)
Barlow, Sir John E. (Somerset)
Barnard, E. B.
Barry, Redmond J. (Tyrone, N.)
Beauchamp, E.
Beck, A. Cecil
Beckett, Hon. Gervase
Bell, Richard
Bellairs, Carlyon
Benn, W.(T'w'r Hamlets, S.Geo.
Berridge, T. H. D.
Bertram, Julius
Bethell, Sir J. H.(Essex, Romford
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brodie, H. C.
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Byles, William Pollard
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hn. Winston S.
Clarke, C. Goddard (Peckham)
Cleland, J. W.
Clough, William
Clynes, J. R.
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Collins, Sir Wm. J.(S. Pancras, W.
Cooper, G. J.
Corbett, C. H.(Sussex, E. Grinst'd
Cowan, W. H.
Cox, Harold
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dickinson, W. H.(St. Pancras, N.
Dilke, Rt. Hon. Sir Charles
Dobson, Thomas W.
Duncan, C.(Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Findlay, Alexander
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gibb, James (Harrow)
Gill, A. H.
Gladstone, Rt. Hn. Herbert John
Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Gurdon, Rt Hn Sir W. Brampton
Haldane, Rt. Hon. Richard B.
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harmsworth, R. L (Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey, W. E.(Derbyshire, N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Helmsley, Viscount
Henderson, Arthur (Durham)
Henderson, J. M.(Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hills, J. W.
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones, Sir D. Brynmor(Swansea)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Jowett, F. W.
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G.(Leominster)
Lambert, George
Lamont, Norman
Lane-Fox, G. R.
Lea, Hugh Cecil (St. Pancras, E.)
Leese, Sir Joseph F.(Accrington
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Lyell, Charles Henry
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs
Mackarness, Frederick C.
Maclean, Donald
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah(Down, S.)
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Masterman, C. F. G.
Micklem, Nathaniel
Molteno, Percy Alport
Montgomery, H. G.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Myer, Horatio
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Nicholson, Charles N.(Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Donnell, C. J. (Walworth)
O'Grady, J.
O'Kelly, James(Roscommon, N.
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs., Leek)
Pearson, W. H. M.(Suffolk, Eye)
Philipps, Col. Ivor (S'thampton)
Pollard, Dr.
Price, C. E.(Edinburgh, Central)
Priestley, W. E. B.(Bradford, E.)
Radford, G. H.
Rainy, A. Rolland
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Rees, J. D.
Rendall, Athelstan
Richards, Thomas(W. Monm'th
Richards, T. F.(Wolverh'mpt'n

Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'd)
Robertson, J. M. (Tyneside)
Robinson, S.
Robson, Sir William Snowdon
Roe, Sir Thomas
Rogers, F. E. Newman
Rose, Charles Day
Rowlands, J.
Runciman, Walter
Rutherford, V. H. (Brentford)
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott, A. H. (Ashton under Lyne
Sears, J. E.
Seddon, J.
Seely, Colonel
Shackleton, David James
Shaw, Rt. Hn. T. (Hawick, B.)
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.)
Steadman, W. C.
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Sutherland, J. E.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thompson, J. W. H (Somerset, E.
Torrance, Sir A. M.
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Wadsworth, J.
Walker, H De R. (Leicester)
Walsh, Stephen
Walton, Sir John L. (Leeds, S.)
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent)
Ward, W. Dudley (Southampt'n
Wardle, George J.
Waring, Walter
Warner, Thomas Courtenay T.
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, J. D. (Dumbartonshire)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilkie, Alexander
Williams, J. (Glamorgan)
Wills, Arthur Walters
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.
Wood, T. M'Kinnon
Yoxall, James Henry

Tellers for the Ayes.—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood, Rt Hn. Sir Alex. F.
Anson, Sir William Reynell
Arkwright, John Stanhope
Ashley, W. W.
Aubrey-Fletcher, Rt. Hn. Sir H.
Balcarres, Lord
Balfour, Rt Hn. A. J. (City Lond.
Banbury, Sir Frederick George
Banner, John S. Harmood-
Baring, Capt. Hn. G. (Winchester
Barrie, H. T. (Londonderry, N.)
Beach, Hn. Michael Hugh Hicks
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Bull, Sir William James
Carlile, E. Hildred
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Chamberlain, Rt Hn. J. A. (Worc.
Chaplin, Rt. Hon. Henry
Collings, Rt. Hn. J. (Birm'gham)
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Gretton, John
Hardy, Laurence (Kent, Ashford
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Hill, Sir Clement (Shrewsbury)
Hornby, Sir William Henry
Hunt, Rowland
Kennaway, Rt. Hn. Sir John H.
Kenyon-Slaney, Rt. Hn. Col. W.
Kimber, Sir Henry
Law, Andrew Bonar (Dulwich)
Lonsdale, John Brownlee
Lyttelton, Rt. Hon. Alfred
Magnus, Sir Philip
Middlemore, John Throgmorton
Mildmay, Francis Bingham
Moore, William
Morpeth, Viscount
Nicholson, Wm. G. (Petersfield
Nield, Herbert
Parker, Sir Gilbert (Gravesend)
Pease, Herbert Pike (Darlington)
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson, John Frederick Peel
Scott, Sir S. (Marylebone, W.)
Smith, F. E. (Liverpool, Walton
Talbot, Lord E. (Chichester)
Wilson, A. Stanley (York, E.R.)

Tellers for the Noes—Viscount Valentia and Mr. Forster.

Amendments proposed—

“In page 19, line 13, to leave out the words ‘any such,’ and to insert the word ‘the.’”

“In page 19, line 14, to leave out the words ‘or bank.’”

“In page 19, line 16, after the word ‘such,’ to insert the words ‘grants or.’”

“In page 19, lines 19 and 20, to leave out the words ‘co-operative society or credit bank or, and to insert the word ‘such.’”

“In page 19, line 36, after the word ‘acquired,’ to insert the words ‘and shall so transfer the land on payment of all sums due from the council in connection therewith, and on proof to the satisfaction of the Board that the council are willing to exercise and perform their powers and duties in relation thereto.’”

“In page 20, line 34, after the word ‘which,’ to insert the words ‘exceeds one acre and.’”

“In page 20, line 37, to leave out from the word ‘pounds,’ to end of line 40.”

“In page 22, line 32, to leave out Subsection (5).”

“In page 23, line 39, after the word ‘manner to insert the words and (unless otherwise agreed) to keep the buildings in repair.’”

“In page 24, line 6, after the word ‘any,’ to insert the word ‘minerals.’”—(*Mr. Harcourt.*)

Amendments agreed to.

Amendment proposed—

"In page 24, line 6, after the word 'clay,' to insert the words 'except so far as may be necessary or convenient for the purpose of erecting buildings on the land or otherwise adapting the land for small holdings or allotments.'"—*(Mr. Harcourt.)*

Question put, "That the Amenement be made."

The House divided :—Ayes, 268 ; Noes, 66. (Division List No. 423).

AYES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Ainsworth, John Stirling
Alden, Percy
Allen, A. Acland (Christchurch)
Ashton, Thomas Gair
Asquith, Rt. Hn. Herbert Hy.
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Sir John E. (Somerset)
Barnard, E. B.
Barrie, H.T. (Londonderry, N.)
Beauchamp, E.
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn, W. (T'w'r Hamlets, S. Geo.)
Berridge, T. H. D.
Bertram, Julius
Bethell, Sir J.H. (Essex, R'mf'rd
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brodie, H. C.
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Byles, William Pollard
Campbell-Bannerman, C. H.
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Rt. Hon. Winston S.
Clarke, C. Goddard (Peckham)
Clough, William
Clynes, J. R.
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W.
Cooper, G. J.
Corbett, C.H. (Sussex, E. Grinst'd
Cory, Clifford John
Cowan, W. H.
Cox, Harold
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Curran, Peter Francis
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dickinson, W.H. (St. Pancras, N.
Dilke, Rt. Hon. Sir Charles
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Edwards, Enoch (Hanley)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Findlay, Alexander
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gibb, James (Harrow)
Gill, A. H.
Gladstone, Rt Hn Herbert John
Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Gurdon, Rt Hn Sir W. Brampton
Haldane, Rt. Hon. Richard B.
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardy, George A. (Suffolk)
Harmsworth, R. L. (Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey, W.E. (Derbyshire, N.E
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson, J.M. (Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones, Sir D. Brynmor (Swansea
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Jowett, F. W.
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lambert, George
Lamont, Norman
Lea, Hugh Cecil (St. Pancras)
Leese, Sir Joseph F. (Accrington)
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Lyell, Charles Henry
Macdonald, J. R. (Leicester)
Macdonald, J.M. (Falkirk B'ghs
Maclean, Donald
Macnamara, Dr. Thomas J.
MacVeagh, Jeremiah (Down, S.)
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Laren, H. D. (Stafford, W.)
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Masterman, C. F. G.
Micklem, Nathaniel
Molteno, Percy Alport
Montgomery, H. G.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Morse, L. L.
Morton, Alpheus Cleophas
Napier, T. B.
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Nicholson, Charles N. (Doncast'r
Nolan, Joseph
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Donnell, C. J. (Walworth)
O'Grady, J.
O'Kelly, James (Roscommon, N.
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pearson, W.H.M. (Suffolk, Eye)
Philipps, Col. Ivor (S'thampton)
Pollard, Dr.
Price, C.E. (Edinburgh, Central)
Priestley, W.E.B. (Bradford, E.)

Radford, G. H.
Rainy, A. Rolland
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro')
Rees, J. D.
Rendall, Athelstan
Richards, Thomas (W.Monm'th
Richards, T.F.(Wolverh'mpt'n)
Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott(Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S,
Robson, Sir William Snowdon
Roe, Sir Thomas
Rogers, F. E. Newman
Rose, Charles Day
Rowlands, J.
Runciman, Walter
Rutherford, V. H. (Brentford)
Samuel, Herbert L.(Cleveland)
Samuel, S. M. (Whitechapel)
Scott, A.H.(Ashton under Lyne
Sears, J. E.
Seddon, J.
Seely, Colonel
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick, B.)
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N. W.)
Stanley, Hn. A. Lyulph (Chesh.
Steadman, W. C.
Strachey, Sir Edward
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Sutherland, J. E.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thompson, J. W. H.(Somerset, E.
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Wadsworth, J.
Walker, H. De R. (Leicester)
Walsh, Stephen
Walton, Sir John L. (Leeds, S.)
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent
Ward, W. Dudley(Southampton
Wardle, George J.
Waring, Walter
Warner, Thomas Courtenay T.
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilkie, Alexander
Williams, J. (Glamorgan)
Wills, Arthur Walters
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Winfrey, R.
Wood, T. M'Kinnon
Yoxall, James Henry

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood, Rt Hn. Sir Alex. F.
Anson, Sir William Reynell
Arkwright, John Stanhope
Ashley, W. W.
Aubrey-Fletcher, Rt. Hon. Sir H.
Balcarres, Lord
Balfour, Rt Hn. A. J. (City Lond.)
Banbury, Sir Frederick George
Banner, John S. Harmood-
Baring, Capt. Hn. G(Winchester
Barrie, H. T. (Londonderry, N.)
Beach, Hn. Michael Hugh Hicks
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Bull, Sir William James
Carlile, E. Hildred
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Chaplin, Rt. Hon. Henry
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Faber, George Denison (York)
Fell, Arthur
Fetherstonhaugh, Godfrey
Fletcher, J. S.
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Gordon, J.
Gretton, John
Hardy, Laurence(Kent, Ashford
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Hills, J. W.
Hornby, Sir William Henry
Hunt, Rowland
Kennaway, Rt. Hon. Sir John H.
Kenyon-Slaney, Rt. Hon. Col. W
Kimber, Sir Henry
Lane-Fox, G. R.
Law, Andrew Bonar (Dulwich)
Lonsdale, John Brownlee
Lyttelton, Rt. Hon. Alfred
Magnus, Sir Philip
Middlemore, John Throgmorton
Mildmay, Francis Bingham
Moore, William
Morpeth, Viscount
Nicholson, Wm. G. (Petersfield)
Nield, Herbert
Parker, Sir Gilbert (Gravesend)
Pease, Herbert Pike(Darlington
Powell, Sir Francis Sharp
Randles, Sir John Scurrah
Rawlinson, John Frederick Peel
Scott, Sir S. (Marylebone, W.)
Smith, F. E. (Liverpool, Walton)
Talbot, Lord E. (Chichester)
Wilson, A. Stanley(York, E.R.)
Younger, George

TELLERS FOR THE NOES—Viscount Valentia and Mr. Forster.

Amendments proposed—

"In page 24, line 19, after the word 'rent,' to insert the words 'to be paid for the land compulsorily hired.'"

"In page 24, line 26, at end, to insert the words '(4) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused by the withdrawal from the holding of the land compulsorily hired shall, as far as possible, be provided for by taking such compensation into account in fixing the rent to be paid for the residue of the holding during the remainder of the term for which it is held by the tenant.'"

"In page 25, line 13, at the end, to insert the words 'Subsection 2 of Section 11, from the words Provided that to the end of the subsection.'"

"In page 25, line 31, after the word 'five,' to insert in Section 11 the words 'and then to the person or person whose lands immediately adjoin the holding.'"—(*Mr. Harcourt.*)

Amendments agreed to.

Bill to be read the third time upon Friday, and to be printed. [Bill 318.]

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

Bill, as amended (by the Standing Committee), further considered.

The following new clause stood on the Notice Paper in the name of Lord R. Cecil—

"For the purpose of regulating the position and duties of spiritual persons as affected by this Act it shall be lawful for the Convocations of the Clergy of the Provinces of Canterbury and York to make and promulge canons under the licence and with the consent of His Majesty the King, in accordance with the provisions of the Act of the twenty-fifth year of King Henry the Eighth, chapter nineteen, intituled an Act for the submission of the clergy to the King's Majesty, for the regulation of the following matters, that is to say: (*a*) The powers and procedure of the Ecclesiastical Courts, in case any person shall be presented by the minister or churchwardens of any parish for having contracted a marriage made lawful by this Act; (*b*) The obligation upon clergymen to administer or to refuse to administer the sacrament of the Lord's Supper to persons who shall have contracted marriages made lawful by this Act; (*c*) The obligation upon clergymen to read or to refuse to read the Order for the Burial of the Dead, prescribed in the Book of Common Prayer, in the case of persons who shall have contracted marriages made lawful by this Act; and if canons shall be made and promulged accordingly regulating these matters aforesaid by the Convocations of the Clergy of the Provinces of Canterbury and York, such canons shall have the same force and effect within the provinces over which those Convocations have authority respectively as though they had been enacted in this Act."

*MR. SPEAKER: The proposed new clause is out of order, because it is beyond the scope of the Bill.

LORD R. CECIL (Marylebone, E.) submitted that the Bill dealt with the civil position of marriage with a deceased wife's sister, and therefore left untouched the ecclesiastical position. Unless some clause was put in to deal with that, great confusion would necessarily arise, and it would be impossible to know what were the duties of those persons who were subject to ecclesiastical law.

*MR. SPEAKER: It does not require a legal enactment to regulate the position and duties of the spiritual persons affected by the Bill. That can be done without any civil Act by licence from the Crown.

Amendment proposed—

"In page 1, line 1, to leave out the preamble.'"—(*Sir Brampton Gurdon.*)

Question proposed, "That the word 'Whereas' stand part of the Bill."

LORD R. CECIL said the preamble as it appeared in the Bill was as follows—

"Whereas it is expedient to amend the law as to marriage with a deceased wife's sister."

He did not know why the preamble should be omitted. Did the hon. Member in charge of the Bill abandon the position that it was expedient to amend the law as to marriage with a deceased wife's sister? He submitted that the preamble should not only be retained but considerably expanded. The clauses of the Bill went far beyond the principle laid down in the preamble. He contended that the preamble ought to be retained, amended, and extended, because the principle of the Bill ought to be more fully defined in the preamble than it was. Hon. Members might say that there were Amendments on the Paper which it was desirable to avoid by moving the Amendment of the hon. Member for Norfolk. [Cries of "Hear, hear!"] It seemed that that was accepted by hon. Members, and he submitted that it was legitimate, under these circumstances, to explain why it was desirable to retain the preamble, amended and extended so as to declare the true principle of the Bill, which was that consanguinity was the only objection to marriage. That ought to be stated if the House desired to deal honestly and straightforwardly with this question, and if they had the courage of their opinions, which was a rare quality in these days. Hon. Gentlemen had not only not the courage of their opinions, but they appeared not even to know what their opinions were. They accepted the theory on which the preamble rested, viz., that it was expedient to legalise marriage with a deceased wife's sister, but they failed to see that that principle could only be carried out by legalising far more than this particular code of marriage. The House of Commons ought to face the fact that they could not stop at that point. There was no conceivable reason, either logical or theological, why they should limit their progress to marriage with a deceased wife's sister. He remembered very well that when this argument was being pressed in the House on a former occasion, an hon. Member saying: "Very well; that is quite true; but one step at a time." He had no doubt that that was at the bottom of the mind of those who thought logically and honestly on this question. They did not stop merely at this miserable and utterly unsubstantial proposition of a desire to legalise marriage with a deceased wife's sister, but desired to go on and legalise marriage with a deceased brother's widow and to sweep away all restraints on marriage, except those founded on consanguinity. He desired to see that stated in the preamble so that the country might know what was really intended by the Bill. They heard a great deal of the House representing the will of the people, but he was convinced that if the House of Commons had the courage to state that their desire was to sweep away all bars to marriage they would have a very limited chance of representing the will of the people. In his opinion there was no public demand for this Bill. [Loud cries of "Divide."] He did not recommend hon. Members to begin at that comparatively early period of the night so to treat a proposed change in the law of the most vital importance. If they had to discuss this question between eleven and twelve o'clock at night, that was due to the Prime Minister. He himself would have been quite content to discuss the question on a Saturday morning, or at any other suitable time when the House could approach it in other than a post-prandial mood. [Loud cries of "Oh, oh!"] He desired distinctly to oppose the Amendment, not because he liked the preamble in itself, but because he thought it would form a proper basis of a true statement of the principle on which the Bill was founded. He asked the House not to run away from the principle in which they professed to believe.

SIR F. BANBURY said that this was a very good illustration of the evils which resulted from legislation at that late hour of the night. The right hon. Gentleman in charge of the Bill knew as well as any Member the procedure of the House. He was thoroughly acquainted with all the rules which governed the introduction of a Bill, and yet suddenly, after this Bill had been before the House for a considerable number of weeks and subjected to discussion in Committee at considerable length, he discovered that the preamble was useless. If a young Member of the House, fired by a desire to establish his name on the Parliamentary records, had brought in a Bill which he thought would appeal to the imagination of the people and give him a place in history, had been guilty of committing an error in the preamble, and suddenly finding that the preamble was ancient history, had come down to the House and proposed to omit the preamble, he would have commiserated the hon. Gentleman and at the same time have conceded that it was his earnest desire to conform to the usages of the House. But when that course was taken by a gentleman of the experience of the right hon. Member, he showed that his desire was to pass the Bill and at the same time to go home to bed. Hon. Gentlemen on that side of the House were desirous of discussing this question in a proper manner. They considered that this was a measure—whether they were right or wrong did not matter—which should be properly debated. It was necessary for hon. Members to convince them that they were wrong. What the right hon. Gentleman wanted to do, however, was to burke discussion in order that he might force through his Bill by the power of the majority which unfortunately he and his Party possessed. He would really like to know why the right hon. Gentleman wished to withdraw the preamble. It stated very clearly what was the object of the Bill, and prevented any doubt arising in the minds of hon. Members as to whether anything was intended in the alteration of the law beyond that which referred to the marriage with a deceased wife's sister. The hon. Gentleman might wish to go further and abolish the ties of marriage unless such as were prescribed by consanguinity. [MINISTERIAL laughter.] He was stating nothing which was absurd. Let them take the hon. Member for the Colne Valley division of Yorkshire, What was his idea? It was that the marriage tie should be very much loosened.

Mr. MARKHAM (Nottinghamshire, Mansfield) said that the idea of the hon. Member was incorrect. It was so reported in the paper, but the hon. Member for Colne Valley had contradicted it.

Sir F. BANBURY said it might have been contradicted in the paper, but up to the present moment it had not been contradicted in the House. Of course, he accepted the statement of the hon. Member that it had been contradicted, but he denied that he was in any way wrong in making the statement, until he knew that it had been contradicted. Dealing with the Bill from the point of view of the noble Lord, who objected to the abolition of any prohibition of the marriage tie except consanguinity, he would point out that the preamble laid it down that no other alliances were to be made, except with a deceased wife's sister, and therefore he said that to withdraw it was one of the greatest mistakes that could be made from the point of view of the promoters of the Bill themselves. They encouraged the idea that there was some reason for withdrawing the preamble, and he thought the reason which the noble Lord advanced was the correct one, and that there were certain Amendments on the Paper which had led to this course. But people outside the House would not understand that the preamble was withdrawn because there were Amendments on the Paper. He thought that the hon. Gentleman ought to make a clear statement as to his reasons for omitting the preamble. Under the circumstances he hoped his noble friend would go to a division, in order to emphasise his disagreement with the idea that because there were some Amendments to the preamble of the Bill, the proper course was to withdraw it in order to save a little time.

Mr. F. E. SMITH (Liverpool, Walton) said that, speaking as one who was in favour of this Bill and who had travelled some little distance to vote for it, he confessed he did not understand why the preamble should be withdrawn. It recited that it was expedient to amend the law in regard to marriage with a deceased wife's sister. In his opinion it was a weak and undesirable concession to the very small opposition to the Bill. It was not the temper in which the House of Commons ought to approach that small opposition. The spirit in which the House ought to act was that if they were prepared to sit up all night to prevent the Bill becoming law, they who supported it were prepared to sit up all night and meet them in the Division Lobby and in argument in order that it should become law. If the noble Lord the Member for Marylebone and other hon. Members came before the House with Amendments to the preamble let those who supported the Bill meet them in argument or in the Division Lobby. That was the whole thing for which they were contending.

Mr. EVELYN CECIL (Aston Manor) wished to protest against the flippant manner in which this proposal for a fundamental alteration of the marriage law was being treated. He supposed the proposal to omit the preamble was due to the fact that the hon. Member was afraid of the House not affirming the principle that it was expedient to alter the marriage law. He had on this point looked up the petitions which had been presented in regard to the Bill. The number of petitions according to the report of the Committee on Public Petitions between the 29th April and the 22nd June was against the Bill 112 with 6,381 signatures. The number of petitions in favour of the Bill, on the other hand, was one and the total number of signatures in favour of the Bill was also one. This was a Bill which the Government thought was so urgently demanded by the country that they asked the House to consider it at that time of night. It was very absurd in his opinion.

*Mr. SPEAKER said the hon. Member was not in order; he was not discussing the question of the retention of the preamble.

Mr. EVELYN CECIL said he thought the hon. Gentleman ought to stick to his guns in order to maintain that which was right in the public interest.

VISCOUNT HELMSLEY thought the hon. Gentleman could hardly be aware of the strength of the feeling there was against the Bill in the country.

*MR. SPEAKER pointed out that the hon. Member was not discussing the preamble, but the general principle of the Bill.

VISCOUNT HELMSLEY said he was coming to the preamble, but he wished to point out that they would not be able to move the particular Amendments which stood in their names if the Motion were carried.

*MR. SPEAKER said that that argument had been used already and the noble Viscount should not repeat arguments which had already been used.

VISCOUNT HELMSLEY said he had not heard the argument used, as he came in expecting to find the House discussing the new clauses and not the preamble. As to the latter they wished it to be confined to this one instance of marriage with a deceased wife's sister, and not to be made a "jumping-off" ground for the alteration of the marriage law generally. The symmetry of the Bill would be very considerably changed if the preamble was omitted.

Question put.

The House divided :—Ayes, 40; Noes, 236. (Division List No. 424.)

AYES.

Acland-Hood,RtHn.SirAlex.F.
Anson, Sir William Reynell
Arkwright, John Stanhope
Ashley, W. W.
Aubrey-Fletcher,Rt.Hon.SirH.
Balcarres, Lord
Banbury, Sir Frederick George
Banner, John S. Harmood-
Baring,Capt.Hn.G(Winchester
Beckett, Hon. Gervase
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Carlile, E. Hildred
Cave, George
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone,E.)
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Forster, Henry William
Gretton, John
Hardy,Laurence(Kent,Ashford
Harrison-Broadley, H. B.
Hay, Hon. Claude George
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Kennaway,Rt.Hon.SirJohnH.
Lane-Fox G. R.
Lonsdale, John Brownlee
MacVeagh, Jeremiah (Down,S.
Middlemore,JohnThrogmorton
Nicholson, Wm.G.(Petersfield)
Nield, Herbert
Powell, Sir Francis Sharp
Rawlinson,JohnFrederickPeel
Smith,F.E. (Liverpool,Walton)
Talbot, Lord E. (Chichester)
Turnour, Viscount
Valentia, Viscount
White, Patrick (Meath, North)

TELLERS FOR THE AYES—Mr. Evelyn Cecil and Sir William Bull.

NOES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Ainsworth, John Stirling
Alden, Percy
Allen,A.Acland(Christchurch)
Baker,Joseph A.(Finsbury, E.)
Balfour, Robert (Lanark)
Baring,Godfrey(Isle of Wight)
Barlow,SirJohn E. (Somerset)
Barnard, E. B.
Barrie. H. T. (Londonderry N.)
Beauchamp, E.
Beck, A. Cecil
Bellairs, Carlyon
Berridge, T. H. D.
Bertram, Julius
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Bright, J. A.
Brodie, H. C.
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Byles, William Pollard
Carr-Gomm, H. W.
Causton,Rt.Hn.RichardKnight
Cawley, Sir Frederick
Chamberlain,RtHn.J.A.(Worc.
Chance, Frederick William
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clough, William
Cobbold, Felix Thornley
Collings,Rt.Hn.J.(Birmingham
Collins, Stephen (Lambeth)
Collins,SirWm.J.(S.Pancras,W.
Cooper, G. J.
Corbett,C.H(Sussex,E.Grinst'd
Cory, Clifford John
Cox, Harold
Cremer, Sir William Randal
Crooks, William
Crossley, William J.
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dewar, Arthur (Edinburgh, S.)
Dobson, Thomas W.
Duncan,C.(Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Enoch (Hanley)
Essex, R. W.
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey
Faber, George Denison (York)
Fell, Arthur
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Fetherstonhaugh, Godfrey
Fiennes, Hon. Eustace
Findlay, Alexander
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gibbs, G. A. (Bristol, West)
Gill, A. H.
Gladstone,Rt.Hn.HerbertJohn
Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Gurdon,RtHn.SirW.Brampton

Haldane, Rt. Hon. Richard B.
Hall, Frederick
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harmsworth,R.L.(Caithn'ss-sh
Harvey, A. G. C. (Rochdale)
Harvey,W.E.(Derbyshire,N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson,J.M. (Aberdeen,W.)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Hornby, Sir William Henry
Horniman, Emlsie John
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Jones,SirD.Brynmor(Swansea)
Jones, Leif (Appleby)
Jones, William(Carnarvonshire
Jowett, F. W.
Kearley, Hudson E.
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lambert, George
Lamont. Norman
Lea, Hugh Cecil (S. Pancras, E.
Leese,SirJosephF.(Accrington)
Lehmann, R. C.
Lever,A.Levy (Essex,Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Lyell, Charles Henry
Macdonald, J. R. (Leicester)
Macdonald, J.M.(FalkirkB'ghs)
Mackarness, Frederic C.
Maclean, Donald
Macnamara, Dr. Thomas J.
Macpherson, J. T.
M'Callum, John M.
M'Crae, George
M'Kenna, Rt. Hon. Reginald
M'Micking, Major G.
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield,H.Rendall(Lincoln)
Markham, Arthur Basil
Marks,G.Croydon(Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Montgomery, H. G.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Morton, Alpheus Cleophas
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Nicholson,CharlesN.(Doncaster
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Connor, John(Kildare,N.)
O'Donnell, C. J. (Walworth)
O'Grady, J.
Parker, Sir Gilbert (Gravesend)
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pearson,W.H.M.(Suffolk,Eye)
Philipps,Col.Ivor(S'thampton)
Pollard, Dr.
Price, C. E. (Edinb'gh,Central)
Priestley,W.E.B.(Bradford,E.)
Radford, G. H.
Randles, Sir John Sucrrah
Raphael, Herbert H.
Rea, Russell (Gloucester)
Rea, Walter Russell (Scarboro'
Rendall, Athelstan
Richards,Thomas(W.Monm'th)
Richards,T.F.(Wolverhampt'n)
Rickett, J. Compton
Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson,SirG.Scott(Bradford
Robertson, J. M. (Tyneside)
Robinson. S.
Roe, Sir Thomas
Rogers, F. E. Newman
Rose, Charles Day
Rowlands, J.
Runciman, Walter
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott,A.H.(Ashton under Lyne
Scott, Sir S. (Marylebone, W.)
Seddon, J,
Seely, Colonel
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick B.)
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Smeaton, Donald Mackenzie
Snowden, P.
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley,Hn.A. Lyulph (Chesh.)
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Sutherland, J. E.
Taylor, Austin (East Toxteth)
Taylor, John W. (Durham)
Taylor, Theodore C.(Radcliffe)
Thornton, Percy M.
Trevelyan, Charles Philips
Ure, Alexander
Verney, F. W.
Vivian, Henry
Wadsworth, J.
Walsh, Stephen
Walton, Joseph (Barnsley)
Ward,John (Stoke upon Trent)
Ward,W.Dudley(Southampton
Wardle, George J.
Waring, Walter
Waterlow, D. S.
Wedgwood, Josiah C.
Weir, James Galloway
White, J. D. (Dumbartonshire)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wilkie, Alexander
Williams, J. (Glamorgan)
Wilson, Henry J. (York, W. R.)
Wilson, John (Durham, Mid)
Wilson, W. T. (Westhoughton)
Winfrey, R.
Wood, T. M'Kinnon

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

Remaining words of the Preamble left out of the Bill.

MR. LAURENCE HARDY moved to leave out Clause 1. He said that undoubtedly in connection with a Bill of this sort his Motion might seem to be rather a large measure, but if he desired no other argument he might simply fall back upon the action of the promoters of the Bill in the Motion which had just been passed, because they had deliberately eliminated from the Bill the statement that it was expedient to amend the law in relation to marriage with a deceased wife's sister. As Clause 1 was for the purpose of doing that, he might have taken the statement of the hon. Baronet. He did not, however, desire to press that further, but he did desire to move this Amendment for three reasons. First of all, he did it as a protest against the action of he Government in suddenly adopting this Bill practically without notice, and bringing it on at a late hour of night, long after it was thought that any controversial measure of this sort was likely to be adopted by the Government. Even if it had been a Government measure itself, that they should have, so long after the massacre of the innocents, an aged Bill of this controversial character brought before the House was a precedent against which he protested. He admitted the length of time that the particular principle enshrined in Clause 1 had been before both Houses of Parliament, but that fact showed there was really no feeling in the country about it. It was a matter of such extreme difficulty and such serious moment that although people might have lightly played with it they had never seriously desired to introduce this new principle into our marriage law. Therefore, in the first instance he moved to omit this clause as a protest against the Government's action in the matter. In the second place, he desired to give the promoters of the Bill an opportunity of giving some explanation, before the House really entered upon the discussion of the details of the Bill, as to what they intended to do in connection with the many points which were raised during the last discussion they had on the recommittal of the Bill. At the very last moment of their discussion in June they had an entirely new proposition put before them by the learned Solicitor-General in which he said, although the Bill seemed to be limited to a civil contract, that carried with it the power to over-ride any previous Act. As that was introduced somewhat to their surprise at a very late period in the discussion they ought to have some further explanation. Other questions which had been raised by his hon. friends undoubtedly required explanation from the promoters before they entered upon the full discussion of the details of the Bill. The third reason why he desired to leave out Clause 1 was the reason at the bottom of the opposition which they brought to this Bill. They objected to this tampering with the marriage law which would break up that which had prevailed for so many centuries, in order, first of all, to get out of a strait people who had wilfully broken the law, and to enable other people in future to follow an example which certainly had not had any encouragement in past centuries. They knew, as was stated in the discussion on the preamble, that the principle enshrined in Clause 1 could not eventually be confined to that one particular degree of affinity included in the clause. It must lead to a widening and further weakening of the marriage law, and therefore those who believed there was a very great advantage, social, political, and ecclesiastical, in maintaining the marriage law in the condition in which it had been, protested strongly against this infringement.

*Sir FRANCIS POWELL (Wigan) seconded, and said that as this was the last occasion on which they would have the opportunity of discussing the Bill he hoped he might be allowed to make a few observations as he had done on more than one occasion. He thought, first, that the situation as regarded the Bill was very greatly changed by the proceedings that night. The preamble which had been omitted was a limiting preamble. It indicated in a somewhat emphatic manner that the intention of Parliament was confined to marriage with a deceased wife's sister. That really pointed to the future, and he confessed that his memory went back to an incident on a similar occasion in the earlier stages of his political life, when Lord John Russell, sitting on the opposite bench, rose and said that he had taken no part in the discussion because he always felt that if they altered the law with regard to the deceased wife's sister they could not stop there. Lord John Russell, as some who remembered him might bear in mind, was singularly cold and impassive as regarded his appearance during debate, but on that occasion he was profoundly moved, and he said he could not help feeling that the Bill must necessarily lead to a wide and far-reaching revolution of the laws respecting the marriage state in this country. He did not wish to enlarge upon the arguments which had been so fully developed upon former occasions, but he might be allowed briefly to mention four. The first was the sentiment of the Church of England, the national Church, on this subject. He did not believe that they could pass over or ignore that deeply seated sentiment. They had also amongst them a large section of Roman Catholics. Holding that these marriages were contrary to the Divine law, that Church maintained the prerogative of relaxing the law in particular cases, and if hon. Members were to examine the evidence given, on more than one inquiry, by Roman Catholic prelates, they would find that that relaxation, according to them, was not given by accident or carelessness, but only after careful inquiry into the case, in order to use the words often employed in Roman Catholic controversies, "to avoid greater evils." He would say nothing as regarded the Church of Scotland, because hon. Gentlemen who had taken part in the debates were present, and would speak for it. But he wished to refer first to the very strong feeling which existed amongst important classes of this country as regarded the effect of this proposed change upon family life. In his opinion that sentiment to which he had referred could not be despised or ignored in that House. There was no doubt that the passing of this law would inflict great pain upon classes entitled to their respect and esteem, and he could not in silence allow a want of regard to be shown on that occasion. There was another reason, which might be divided into two, and that was the effect of the Bill upon the devolution of property, and also upon the devolution of titles of honour. In the debate in the Standing Committee upstairs some years ago—he might call it an historic debate, because it had a great effect upon the modification of their system as regarded Standing Committees—questions of this kind were discussed; day after day difficulties were raised, and arguments were used to explain those difficulties. Those arguments were never met nor the difficulties removed. Then, also, they must have regard to the great anxiety which would be felt in coming years, with a new generation, when these difficulties fully came into life. There were difficulties dealing with the minutiæ of real property and with the devolution of titles of honour, and although in this Bill—contrary to the experience of former Bills—that branch of the subject was entirely ignored, and it might be ignored in their Statutes, it could not be ignored in the Law Courts, unless those Courts were assisted and helped by legislation in that House. Those were the difficulties which had occurred to him in connection with the Bill. They had been mentioned before, but although he had been present, he believed, during the whole of the discussion, he had never heard a satisfactory answer given to them. To his mind the difficulties were enormously increased by the omission of the limiting words of the preamble, because the omission of that limitation certainly increased the risk that the change could not stop there, but must go forward and affect in a most serious degree the relations of life in this country.

Amendment proposed to the Bill, "In page 1, line 7, to leave out Clause 1 of the Bill."—(*Mr. Laurence Hardy.*)

Question proposed, "That the word 'no' stand part of the Bill."

SIR BRAMPTON GURDON said he fully appreciated what the mover had said, but of course Clause 1 was the whole of the Bill, the other two clauses being only saving title clauses, and the hon. Member could not expect them to be drawn into a Second Reading debate. With regard to the points on which hon. Members wished information, there were about sixty Amendments, which must cover, he thought, all those points, and he would be quite ready to meet all of them as they arose.

*MR. BRIDGEMAN (Shropshire, Oswestry) said he rose to take part in the debate because he believed he was representing the large majority of his constituents in offering the most strenuous opposition to this clause. Hon. Gentlemen opposite appeared to attach a great deal of importance to it, so much so that the Prime Minister had condescended to be present for a very considerable time during the discussion, and they also seemed to imagine that, because there was only a small minority opposed to them, they ought to be allowed to carry the clause through without much discussion, and certainly without any explanation. The right hon. Gentleman in charge of the Bill had given no kind of definition of the clause. But he wished to remind them that, if the minority in the House against the Bill was a small one, in comparison it was nothing like so small as that minority in the country who wanted the law altered in the direction indicated by this clause. In his own constituency he had a very good instance of this fact, because a question was put to him by the secretary of the league which desired to alter the law, and he declined to answer it unless it was put to him by someone in his own constituency. The secretary of the league said he would find someone at once to do so. At the end of the day he gave him the name of a gentleman who, he said, would ask the question. When the next day arrived he had not asked the question, and he took the trouble to write to that very gentleman to know whether he wanted to ask it or not, and he never answered. Then the secretary came down again in order to stir up the place, and the only result of his second visit was that towards the end of the day, a gentleman arrived in his committee-room to say that he had been offered half-a-crown if he would ask the question. He took that to be a fairly conclusive proof that his constituents at any rate were not in favour of this proposal. He did not think anyone so far had called the attention of the House to the fact that the women of England had no desire for an alteration in the law. Was that a point they ought to overlook and was there any explanation of that? Could the right hon. Gentleman in charge of the Bill say that that was not a matter of the greatest significance and importance? He said that because, women having no power of expressing their views in that House, they ought to be all the more careful in passing legislation which affected them just as much as, and probably more than, it did those who sought to change the law, and they ought to find out what their opinions were on this subject. Then they came merely down to the question of expediency, and that was the only defence of this measure. That was a defence for any kind of alteration in the marriage law, or for no marriage law at all. So far as any attempt had ever been made to get statistics about the number of people who had contracted this particular form of illegal union, it had been found that their numbers were not in excess of other kinds of illegal unions, and therefore if there were more illegal unions of any sort than these, it was more expedient to alter the law in favour of them than in favour of this particular one. They were always told that there were large numbers of working men in this country who found it a great hardship not to be allowed to marry their deceased wife's sister. He admitted that it might be a hardship in a certain number of cases, but there were many other hardships connected with the marriage laws. The way in which that remark was received opposite made it perfectly clear that there were a very large number in that House who would be anxious to alter the laws very much more than this Bill proposed to do. In certain cases it might be a considerable hardship where there were a large number of families crowded into one, or two-roomed, dwellings. That, he admitted, was a hardship, but the remedy was to improve the housing of the working classes. He preferred to leave the marriage laws as they were, and to support, whenever he could, measures for the improvement of housing. He did not believe if there were no one or two-roomed dwellings that they would find any support at all from those who desired, on the part of the working classes, to have the law altered. He did not wish to detain the House on this point, but he felt very strongly indeed on the matter, and he would have felt himself very much to blame if he had not raised his voice in protest against this alteration. There were any amount of hardships connected with the marriage laws. There was hardship in the case of a man whose wife had become insane, or very seriously diseased. If they were going to alter it one way, merely for the sake of pity and because they were sorry for these people, there was no reason why they should not alter it in every way, and he protested that it would be very much better to stand by marriage laws which had caused this country to be more pure and moral than any other, and not to venture, even by one step—even if it were a small step—to alter the law, especially when it was only asked for by a certain number of people who had already broken it, and by a small number of others who thought it was a hardship,

Sir JOHN KENNAWAY (Devonshire, Honiton) quoted the statement of Lord John Russell that this change, if carried out, must lead to very much greater changes in a short space of time. As one who had consistently opposed the Bill again and again he felt it would not be right to remain silent on that occasion, which might be the last opportunity they would have of voicing the protest of a large number of people against the change proposed in the Bill. He opposed it because he believed that it would remove the barrier which protected the sacredness and purity of family life to which the country owed so much, and which some hon. Members felt bound to safeguard by every means in their power. It was because they believed that the Bill, if passed, would endanger these things that they had resisted it and would resist it as long as they had power. They took their stand on the duty of maintaining the purity of family life and the unbroken practice of the Church for so many centuries. If they were wrong they were wrong in the company of men who could not be held to be illiberal, or retrograde, or deaf to anything which was for the good of the people. He spoke of men like the late Archbishop Temple, Lord Hatherley, the well-known Liberal and a man most thoroughly acquainted with the wants and conditions of the working classes in Westminster and other places, Lord Cairns, the Duke of Argyll, as representing the Scottish Church, and many prominent Nonconformists who formerly much more than to-day opposed the proposal which was then before the House. They were brought face to face with the Bill taken up by the Government as it never was before. Therefore the situation was one of extreme gravity, and he felt bound to rise once more to record his protest.

Lord R. CECIL said he did not propose to trouble the House with a speech on the general objections which he had towards the clause, because he had had an opportunity of doing that before. But there were one or two aspects of the clause which had not been properly considered, because the House had been deprived of the assistance of the lawyers who ordinarily advised the Government. He was glad to see present the Secretary of State for War, who added to many other qualifications that of being a very eminent lawyer. He would ask the Secretary of State for War to make more than a passing reference to the Bill's being made retrospective, but there was one important deficiency which he would like to put before him. He would put it in the form of an illustration which would not ordinarily occur, but which would bring to his mind the kind of difficulty raised by the Bill. The right hon. Gentleman would see in the proviso to the first clause the words which constituted the deficiency. Supposing a man had been married to his deceased wife's sister and had afterwards married someone else, then did the proposals of the Bill go so far as to make that man a bigamist? Let them suppose that a man married a deceased wife's sister and then went through the form of marriage with a sister of that sister. The man would then have gone through a form of marriage with two sisters. To which sister was he married? [A voice: To both.] To whom was he lawfully married? The marriage with the first sister had not been absolved by his marrying the second. This was only an illustration—and, purposely, he had made it rather extreme—of the kind of difficulties which were aroused by legislation of this sort. But there was a danger of a much more serious type, and likely to be of a much more practical effect. The Bill proposed to set up for the first time a contrast between the civil and the ecclesiastical law. He knew that one of the law officers at an earlier stage had said that the Bill was going to over-ride the ecclesiastical as well as the civil law; but he did not think that the hon. Member had read the Bill. He (Lord Robert Cecil) thought the Bill only affected the civil aspect of marriage and was only intended to do that. From the point of ecclesiastical law these marriages were to be as unsound and unlawful as ever. In the language of the canon, marriage with a deceased wife's sister was still to be regarded as an incestuous marriage. There were several canons which dealt with the duty of various persons in connection with incestuous marriages. The churchwardens were directed to deal with persons who were guilty of incest, and he presumed, even if this Bill were passed, it would still be their duty to bring to the attention of the ecclesiastical authority anyone who offended by living in union with his deceased wife's sister. He was not saying for the moment whether such a person was right or wrong, but pointing out the duty that would be cast upon others. If these failed to carry out that duty they would expose themselves to suits in the ecclesiastical court. Let hon. Members take the case of ex-communication.[Laughter.] Hon. Members appeared to think there was something essentially comic about that. He did not grudge them the trifling relaxation from the wearisomeness of being kept up to discuss this great change in the marriage law, but he respectfully reminded them that it was not his fault that they were so kept up. There was a still more scandalous case—a case he which would repudiate in the strongest possible way, but to which he desired to call the attention of the House. It would be technically a duty, though he trusted no one would be so pedantic as to insist on that duty, for a clergyman to refuse burial to such people. It was so under the canon law, though the clergyman might safely disregard it in such a case. In the other case he had cited, however, he very much doubted if the clergyman could safely disregard it. Let them suppose the case of a man who took a strong view about these things: would it not be a great scandal that he should feel bound to carry out the ecclesiastical law and refuse all the rights of Church membership and even burial, thus refusing to recognise a thing which the Legislature had permitted? None of these difficulties had been dealt with or provided for in the least by the promoters of the Bill. They had thrown the Bill on the Table of the House without condescending to explain or deal with one single difficulty; they had discussed a great number of principles which they conceived underlay the Bill, but whenever they were asked to deal specifically with any great difficulty the hon. Baronet in charge of the Bill had always said a perfunctory sentence or two in reply and no assistance had been forthcoming from the law officers of the Crown. The Solicitor-General attended one meeting of the Committee upstairs and then, as he submitted, without having read the Bill. He hoped that now, at any rate, there would be a serious attempt to deal with these matters. It was little short of a scandal that legislation dealing with this important topic should be presented to the House with so little thought, care, and explanation. He did not propose to trouble the House with any arguments on the general principles underlying Clause 1, but he trusted they would have some reply to the points he had ventured to make.

SIR SAMUEL SCOTT (Marylebone, W.) desired to dissociate himself from the speeches made on his own side. He fully sympathised with the Secretary of State for War, knowing as he did what hard work he had to do at the War Office, though he was perfectly certain the right hon. Gentleman was fully equal to his task that night. He had listened to many speeches on this Bill in past sessions. If he was not absolutely in favour of the Bill from the first—he came into the House with an open mind on the subject—after listening to the speeches on the question, including the able speeches of Lord Hugh Cecil, he found himself of the same opinion that he held now, and he earnestly hoped that when they went to a division on this clause, which was the essence of the Bill, they would carry it by a very large majority.

LORD EDMUND TALBOT (Sussex, Chichester) said he would not have intervened in the debate but for the remarks which had fallen from the right hon. Baronet with reference to the position of his co-religionists on this question. He was reminded of the remarks of the right hon. Gentleman the Chancellor of the Duchy of Lancaster, who, if he might say so, with all possible respect, was more responsible than anybody else for the views which were held in regard to his co-religionists on this question and which were not quite correct. He was alluding to quotations which the right hon. Gentleman had frequently made in the House, when this question had been raised, based upon the evidence given by Cardinal Wiseman before a Commission which sat on the Marriage Laws. In reference to that he would like to read from a copy of a letter he had which was written by the late Cardinal Manning, who said—

> "Some years ago the bishops laid before Lord Chelmsford's Commission on the Marriage Laws certain points on which modification would be desirable. One was some provision by which the marriage with a deceased wife's sister after a dispensation from the Holy See had been obtained might be legalised. These words of ours have been quoted by the promoters of such marriages as favourable to their views. Nothing was further from the intention of the bishops. First, the law of the Catholic Church forbids and annuls marriage with a deceased wife's sister; secondly, the law of England on this point is to this moment Catholic and supports the discipline of the Church; thirdly, the Holy See can alone dispense in such cases, and it never dispenses except, first, rarely; secondly, with reluctance; and, thirdly, for grave reasons and to avoid greater evils. To abolish the law which prohibits such marriages would have the effect of throwing open as lawful to everybody that which in a few rare and exceptional cases is reluctantly given to avoid greater evils, and this throwing over of the civil law would encourage and multiply such marriages in direct opposition to the discipline of the Catholic Church and to the grave and dangerous disturbance of domestic life."

He would not trouble the House by reading the rest of the letter, and he only quoted the part he had to make clear to hon. Members that at any rate those who opposed legislation of this kind had very high ecclesiastical sanction for their action.

THE SECRETARY OF STATE FOR WAR (Mr. HALDANE, Haddington) said he would endeavour in a very few words to define the position of the Government. The canon law was no such rigid law as they were accustomed to recognise in the name of the law. It was binding on those whose conscience considered it as binding. The Church of Rome in certain cases would dispense with it.

LORD R. CECIL said the right hon. Gentleman was no doubt perfectly well aware that Lord Hardwicke held distinctly that the canon law was binding, so far as it was binding in England at all, on spiritual persons. There was no question that the canons of 1603 were binding on all spiritual persons absolutely.

MR. HALDANE said no doubt in the days of consistory courts and consistory law that was so, but they were not living in those times now. If they wanted an illustration of how lightly the canon law was regarded as absolutely binding, he need only refer to the burial law, which the noble Lord himself had said was a law which would not be enforced. These two illustrations only showed the fallacy underlying the entire argument of the noble Lord. They were not dealing with laws which bound the conscience. They believed in leaving people free to follow the dictates of their own conscience. This was not a Bill to compel a man to marry his deceased wife's sister. it was a Bill to leave him free to do so if he thought it right. The whole plan of the Bill was perfectly simple. It said that one might follow the dictates of one's own conscience. The only law they recognised was the law of the land. If this Bill passed, Anglican, Catholic, or Nonconformist could follow the dictates of his own conscience, but his civil rights would be defined in the Bill. The principle of the Bill was perfectly simple. For the future anyone was to be free to marry his deceased wife's sister unless some obstacle intervened which a civil Court recognised as fatal.

*SIR WILLIAM ANSON (Oxford University) said he had not hitheto taken part in any discussions on this question, but if he might judge from what was taking place that night he was never likely to have another opportunity. He had always regarded this question as a social question in which the considerations on either side were very nicely balanced; but it was a question of very great difficulty, of very great importance, and in which the feeling of those who were opposed to the Bill was very acute. Not only that, but the Bill proposed to effect a change in the marriage law, affecting a branch of our law which went into the most intimate and sacred relations of family life. Such a change ought not to be effected without the fullest consideration which could be brought to bear. [AN HON. MEMBER: "It has received it for thirty years."] No Government, so far as he was aware, had before taken up this question during the last thirty years. It had always been a private Member's question. No Government had ever inquired into the matter or had taken even the legal advice of which they saw the necessity, and for the Government to take up a private Member's Bill on this great subject at this period of the session and to force it through the House at that hour of the morning, justified him in determining to oppose the Bill, nice as he considered to be the questions raised on either side as to the propriety of the permission which it proposed to extend to those who wished to marry their deceased wives' sisters.

MR. RAWLINSON (Cambridge University) said the Secretary of State for War had told them that each of them should follow the dictates of his own conscience. It was the law of the country that he (the speaker) was dealing with that evening. It was the law of the country, as he understood it, which was binding on them that they should not marry anyone within the degrees of affinity. It was binding on them and on their consciences; it was binding on them and on the legitimacy of their children. It was such questions that they were dealing with, and the question was not in what way was the law of the land to be altered, as it was at present on a perfectly definite and fixed basis, viz., the degrees of affinity, but, if they were once going to alter the law, where did they propose to stop? Was there any possible reason why the Government should stop at this particular point, once they took away the basis on which the law had stood for many years? Surely they must extend it further than this Bill went. Ninety-nine people out of a hundred could not doubt that they were bound to go further, and a Bill which allowed a man to marry his deceased wife's sister must necessarily allow him to marry persons within less degrees of affinity than that. The right hon. Gentleman had said that the principle of the Bill was a very simple one and easy to understand, namely, that in the future persons should be at liberty to marry a deceased wife's sister. That was a very simple principle, but it was not in the least the principle of the Bill. As a lawyer, that was where to him the difficulty of the Bill came in. It required the most difficult and skilful drafting to make the Bill not retrospective, to ensure that only in future it should be operative, but the Bill went a great deal further, and it said that all such marriages which had occurred in the past, and by the law of the land, and in all conscience at the present moment were no marriages at all, at the passing of the Bill should be perfectly legal. That was the principle of this measure, which was by no means simple from a legal point of view. It became a very much more complicated matter when they adjusted the details necessary to the carrying out of the Bill. Whoever drafted the Bill had a very difficult task, and it required great skill and consideration. It was perfectly obvious that the Bill had not had that careful consideration and drafting, because in the first clause they had the difficulties of dealing with retrospective legislation, and of making marriages, which had been by the law of the land hitherto illegal, suddenly, by one stroke of the pen, legal. He called the attention of the right hon. Gentleman, when he said the Bill was simple, to the fact that by the Bill as it stood, people who had gone through a form of marriage with a deceased wife's sister—assuming that the marriage had turned out unhappily and they had been separated or parted —whether they wished it or not, were legally married the very instant it came into operation. They had difficulties in the case of legitimising the children by the subsequent marriage of the parents; and there were difficulties in connection with vested interests also. There were difficulties in the case of people who, in the hope of succeeding to their relatives, had based their expectations and their mode of life on that hope, but who, on the passing of this Bill, would suddenly find other people legitimised, who before were not legitimate, and so those expectations would be taken away. He was sure the right hon. Gentleman in charge of the Bill would agree that there were difficulties of a legal character in such retrospective legislation. This was a matter which had always been discussed as a private Member's Bill, and without going into the necessary legal detail which was requisite when they were dealing with a Government Bill. Now it had been taken up by the Government at the end of the session and at the shortest possible notice, so far as the opponents of the Bill were concerned. They only got notice of it at Question time on the previous day, although the promoters must, he feared, have had notice of the discussion coming on a fortnight ago, because he knew that certain preparations were made which obviously indicated a knowledge prior to that of Question time. Those who felt deeply on the question could not possibly all be present for the discussion that evening. On twenty-four hours notice they were asked to deal with Clause 1, which raised not only the greatest ethical principles and the most important questions connected with our social life, but also those complicated legal details which could only be anticipated when the Bill was likely to pass into law. Was that a right way to deal with the question? Was it fair and right to the Opposition, however small and insignificant they might be there, to deal with them thus, and to get a Bill of that kind through the House with notice to the promoters and not to the Opposition? The Government retorted that they should have expected the Bill to be starred, but what possible information could they have had on which to base that expectation? Had not the Government ample work to do without this Bill's being starred? He protested against the passing of the Bill on the short notice they had had of the difficult questions which must necessarily arise.

VISCOUNT HELMSLEY said it was singularly unfortunate that, when the Government had taken up the Bill in the peculiar circumstances to which his hon. friend had alluded, they should not be honoured by the presence of any law officer of the crown to answer any legal questions which might arise. They were very grateful to the Secretary of State for War for doing his best to deal with the arguments of the noble Lord the Member for Marylebone, but he wished to point out that he did not speak necessarily for the law officers of the Crown, or with the authority which they could command, on the legal questions which concerned a particular Bill, although he did not in the least wish to question his eminence as a lawyer. But if it was important to have the law officers of the Crown present when they were discussing a Bill drafted under their supervision, surely it was little short of a scandal that they should not be present when a Bill was being discussed with which they had nothing to do in the matter of drafting, and which, so far as he knew, had never been considered by any responsible lawyer acting for the Government. The Secretary of State for War had dealt with questions about ecclesiastical law raised by his hon. friend, but he did not think he satisfied many on the Opposition side of the House, and he doubted if he satisfied many of those on the other side who realised what the ecclesiastical law really was. The fact that the ecclesiastical law was of importance in this question was admitted in the Bill, because in the first clause there was a proviso, which said that—

> "no clergyman should be subject to the penalties, whether civil or ecclesiastical, for refusing to solemnise any such marriage as aforesaid."

It was clearly shown that there was some necessity to recognise the fact that a difference was being made between the common law of the land and the ecclesiastical law which might have serious consequences unless it was provided against. There were cases which had not been provided against, and it was to these that his hon. friend directed the attention of the Government. What was to be the position of an unfortunate clergyman who declined, after the Bill was passed, to give Communion to persons who had gone through the form of marriage contemplated by the Bill? Was that clergyman liable to be sued by those persons for not giving them the rites of the Church? And then if the clergyman did not refuse to give to these people Communion, as he was bound by the canon law, was he liable to be deprived of his living under the canon law? It seemed to him that the clergyman would be placed in a dilemma in which no man ought to be placed. If he did refuse to give Communion he could be sued; if he did not refuse, he could be deprived of his living. The right hon. Gentleman had spoken as if there was no means of enforcing the canon law at all; but surely a bishop might consider such a marriage contrary to the doctrines of the Church, and, if so, it was quite conceivable that he would take every step to make a clergyman is his diocese obey the law. And the bishop had the power of enforcing the law. He could deprive the clergyman in the Bishop's Court of his living. It was a monstrous thing that the House should be asked to pass such a measure as this. He thought they were entitled to some legal explanation from the Government, as the Government had seen fit to take up the Bill, and they ought to have some information as to whether the Government intended to insert some amendment to deal with this difficulty.

SIR F. BANBURY quite agreed with his noble friend that it was very necessary to have some legal authority's opinion; but he was quite satisfied with the opinion of the Secretary of State for War, always provided that he had read the Bill. The Secretary of State for War had said there was no compulsion in the Bill to compel a man to marry his deceased wife's sister. But there was such compulsion in the Bill. If hon. Members would read the Bill, they would see that the Bill was made retrospectively compulsory. If a man had married his deceased wife's sister ten years ago, and if they were of opinion they had to separate ["Oh"]—hon. Gentlemen said "oh," but when people were legally married, they often wished they were not—but in this case, the Bill said: "You are to be married whether you like it or not." The Secretary for War was very careful not to reply to the problem put to him with regard to the three sisters mentioned by his hon. friend. If there was any legal person who could reply, it would be the Secretary for War; but the right hon. Gentleman had passed the question by. The House had had no reason for the starring of the Bill. There was no person to whom a poor man would rather entrust the children of his deceased wife than his deceased wife's sister. Under this Bill, the Government were going to compel a man to marry his deceased wife's sister, otherwise scandal would arise.

SIR BRAMPTON GURDON said the Solicitor-General was far from well and he had been very busily engaged. He was so unwell that he was obliged to go home, and therefore the Government had asked the hon. Member for Walthamstow to take his place.

MR. CLAUDE HAY (Shoreditch, Hoxton) said he could not give a silent vote nor could he abstain from speaking, because he believed that this Bill would move a religious feeling in his section of the country. He felt that the feelings of his constitutents were not to be trampled upon after twenty-four hours notice. [A MEMBER: Twenty-four years.] The House had just heard that owing to the absence of one of His Majesty's Law Ministers, they would not have guidance upon this important matter. In view of that, it was a scandal to go on, and he moved the adjournment of the debate.

*MR. SPEAKER (after waiting a few moments): There being no seconder the Motion falls to the ground.

SIR HENRY CRAIK (Glasgow and Aberdeen Universities) drew attention to the fact that different marriage laws prevailed in Scotland as compared with England. He asked the Government whether they were prepared to say that that fact did not raise serious difficulties. Would it not be only decent that a Scottish law officer should be present to settle these important points of law when they were applying in a rough and ready way to Scotland a Bill not drafted by Government draftsmen, with no assurance that legal precedents and bearings had been properly examined? In the absence of any Scottish law officer he must move the adjournment of the debate.

MR. ASHLEY seconded the Motion for the adjournment of the debate as a protest against the action of the Government in taking up a Bill and then not having any law officers of the Crown present to advise the House as to the legal points raised in connection with it. He was surprised that the right hon. Baronet in charge of the Bill just now said in a casual sort of way that an hon. Member, who he understood was a most distinguished member of his profession, but who was not yet a Member of the Government, had kindly consented to help the Government in carrying through the Bill. He was very sorry indeed that the learned Solicitor-General was ill, and if he were the only legal Member of the Government they would not move the adjournment of the debate; but there were other legal Members of the Government, and surely one of them might be there to give his advice.

Motion made, and Question proposed, "That the debate be now adjourned."—(*Sir Henry Craik.*)

SIR A. ACLAND-HOOD (Somersetshire, Wellington) thought the House was entitled to some explanation. There were four members of the legal profession opposite and four Cabinet Ministers, and they were content to put the whole responsibility of answering questions, put in perfectly good faith, on the hon. Member for Walthamstow, whom they all wished to hear, but who was not allowed to speak. For the first time this session he did not spy in the gallery behind Mr. Speaker's Chair any of those strangers who usually were so useful. The Government brought before the House a Bill for which a private Member was responsible, they starred that Bill, they had four or five legal luminaries on the Front Bench, not one of whom could defend the Bill, they had a private Member behind whom they would not allow to speak, and they had not a single Government draftsman in the pen to which they so often retired to advise them. If that was the way in which the Government were going to conduct the business of this part of the session the House would very likely sit to the end of October.

MR. HALDANE did not think the right hon. Gentleman had heard the whole of the debate, or he would not think it necessary to reply to all the extraordinary legal points raised. It was only out of respect to the House that he dealt with them shortly. As to the point of Scottish law raised by the hon. Member for Glasgow University, there was absolutely nothing in it. In Scotland, as they knew, marriage with a deceased wife's sister stood on a very different basis from what it did here; that was to say, the actual civil law of the land took more cognisance of it than was the case in England. As regarded legitimation by subsequent marriage that did not touch the question on a single point. It was all provided for by the proviso to Clause 1. Then, as to canon law, this Bill had nothing to do with that subject. If canon law required amendment no doubt that could be dealt with, but they were not dealing with that here and did not propose to do so. The Bill was of the simplest kind and contained a plain legal proposition about which there was no ambiguity and which required no technical assistance. The matter had been discussed upstairs and for years past over and over again.

LORD R. CECIL confessed that the first speech of the Secretary of State for War surprised him enormously, but the second speech surprised him even more. In the first speech the right hon. Gentleman laid down the extraordinary doctrine that there were no means of altering the ecclesiastical law in this country, and he talked of consistory courts as relics of the middle ages, long since swept away. He was afraid that since the right hon. Gentleman had gone to the War Office he had forgotten a very large amount of his legal knowledge. Of course, the consistory courts were in full force and had complete legal jurisdiction over all the clergy at the present day for eccleiastical purposes.

*MR. SPEAKER said that this was not relevant to the question before the House.

LORD R. CECIL said he was misled by the speech of the Secretary of State for War, who scarcely referred to the question before the House. He would leave the right hon. Gentleman's legal observations and ask the House to consider the position which the Opposition were attacking. There was no law officer of the Crown present to advise them. Except for a brief period upstairs they had not had the assistance of a law officer on the Bill. A casual Member of the Ministerial Party who had some knowledge of the law used to do his best to assist the promoters of the Bill in Committee upstairs. The right hon. Gentleman had explained that the Solicitor-General was unable to be present and the alternative the right hon. Gentleman suggested was not that the Attorney-General should be present but that the hon. Member for Walthamstow, for whom the House had a profound respect, should take upon himself the duties of a law officer of the Crown. The duty of the law officers was to advise the House on questions of law. With the courage of a bureaucrat the Secretary of State for War shook his head. If the law officers were not present there ought to be somebody who was directly responsible to the House. It was a monstrous insult to the House to answer their objections by saying: "Here is a private Member who is skilled in the law, and we put him on this occasion in the position of one of the law officers and he can answer any questions." The hon. and learned Gentleman, who took, as he thought, a much more proper view of his position, had not answered them. The right hon. Gentleman in charge of the Bill admitted the necessity for some legal luminary to be present to advise the House. Under the circumstances, he contended that no Opposition ever had a stronger case for moving the adjournment, and if hon. Members opposite really valued the position of the House and that which private Members ought to occupy they would vote for the Motion.

MR. F. E. SMITH sincerely trusted that either the Motion would be taken at once to a division or would be abandoned by his hon. friend who moved it. He had no doubt whatever that there were Members present who were fully competent to advise the House as to any question of law that was likely to be raised in the discussion, and he would not do his hon. friends the injustice of thinking that they imagined there was any necessity for obtaining any legal advice which could not now be obtained in the House. It was perfectly well known that they were bitterly and conscientiously opposed to the Bill and that they meant to destroy it if they could by every Parliamentary obstruction possible. He did not blame them; he would do the same himself if he held the same views that they did with perfect sincerity. He submitted, however, that for thirty years an overwhelming majority of Members had been returned to vote for this Bill. The House of Commons, for all those years, had voted for the principle of the Bill, and they were now given an opportunity of placing it on the Statute Book. He, for one, hoped the Government meant business by taking up the Bill. He hoped, if it was necessary to sit till a quarter to two the following night, that the Government and those who were really in earnest over the Bill, would not fail to do so, and he could promise, as a private Member, that such small assistance as he could give them would not be wanting. With a great disinclination to dissociate himself from his friends—whose methods he greatly admired—he would yet endeavour to assist generally in passing a Bill dealing with a measure on which he had very strong views.

THE CHANCELLOR OF THE DUCHY OF LANCASTER (Sir HENRY FOWLER, Wolverhampton) said that the history of this Bill, so far as the Government was concerned, had not been stated. While the Bill was in progress, the Solicitor-General was advising the Government with reference to it. When it came before the House, and during its long consideration in the Committee Stage, the Solicitor-General answered all the questions which had been put that evening. He was personally the legal adviser of the Government and responsible for the Bill, and he was perfectly satisfied with its present shape. He had told him so himself, but he was literally compelled, in obedience to his medical adviser, to leave the House, although he had not intended to do so, at eleven o'clock. He had asked his friend the Member for Walthamstow, if any question did arise in law, to render any assistance he could. The Government had not been guilty of any discourtesy to the House. They were perfectly justified in the course they had taken.

Mr. J. WARD (Stoke-on-Trent) rose in his place, and claimed to move, "That the Question be now put;" but Mr. SPEAKER withheld his assent, and declined then to put that Question.

VISCOUNT TURNOUR (Sussex, Horsham) said he agreed with his hon. friend the Member for the Walton Division of Liverpool that an overwhelming majority of the electors of the country were in favour of the Bill. But he was bound to say that the supporters of the Bill on his side of the House had had their sympathies with the Bill very considerably strained by the methods which the Government had adopted for getting it passed. Apart from the arguments against taking the Bill at such short notice, and against taking it at all at that hour of the evening, there were additional observations as to the method of answering arguments from the Opposition Benches adopted by the Government, and by individual Members of the Government. He did not think any supporter of the Bill in the House would deny that there were, in connection with that Bill, very large and grave issues, which, however fully they might have been debated in the past, yet required at this stage to be elucidated, and he was bound to say that the methods which the Government had adopted for making them clear were not likely to facilitate the progress of the Bill. If the adjournment of the House had not been moved he did not think that the right hon. Gentleman in charge of the Bill would have answered many points which had been put to him. They had what he thought was the most extraordinary position of a private Member being appointed, for the time, a temporary member of the Government—not only a temporary member, but a silent member of the Government, although appointed by them to be their official legal representative in connection with the Bill. It was incredible that the Government should constantly adopt these methods for getting Bills passed, and, personally, he was not surprised that almost every week a Master of the Horse or an ex-Liberal Prime Minister was shed by the Government. The only surprise to him was that the Government had still left behind them a few hon. Gentlemen who were ready to support and cheer them if they chose to take business at that time of the morning. He was sincerely anxious to see the Bill passed, and he proposed to say very few words, as he was not anxious in the least to delay business. But he thought they would not be human—and hon. Members opposite would like also to register the same protest if they dared to do so—if they did not protest against the methods adopted by the Government for passing a Bill—on which they felt quite as strongly and earnestly as his noble friend behind him—methods which could not but discredit a Bill which was so unfortunate as to be adopted by the Government.

*SIR WILLIAM ANSON said his opposition to the Bill rested mainly on the manner in which it had been pressed on. He was quite satisfied that if the Government was to be advised in this matter by a private Member there was no one on the other side of the House more competent to do so than the hon. Member for Walthamstow. But they were told by the right hon. Gentleman the Chancellor of the Duchy, that it was the Solicitor-General, who had advised in regard to the drafting of the Bill, and that he was satisfied with the drafting as prepared. But the legal difficulties which arose were greater from the fact that the Bill was made retrospective. The Solicitor-General was in full possession of all the possible legal objections to the Bill, with any difficulties which might arise; but he was unable to be there through illness. Was that not sufficient ground for postponing the consideration of the Bill until they had had an opportunity of taking the advice which could be given by the hon. Gentleman?

*MR. JESSE COLLINGS said they had been waiting for years, and the Bill had been discussed in Parliament and outside. There were thousands of good women waiting, with a patience that amounted to pathos, to be put in a position in which they ought to be placed. They had been waiting all these years, and now the time had come; there was an opportunity which might not recur again for years, and he hoped that this delay, which amounted to a national scandal, would be put an end to that night. At any rate, he would give what assistance he could to it, for the sake of morality, for the sake of justice, for the sake of thousands of the women of the country, and what was more, for the sake of thousands of the poorer classes, who were living in a manner they considered to be honest, but who needed to be put within the bounds of legality. He thought the reasons which had been advanced for the adjournment were altogether inadequate. He hoped the Government, having begun this debate, would, if it took all day and all night, go through with it.

VISCOUNT HELMSLEY said it took some of them on that side of the House a good deal by surprise that the right hon. Gentleman, whom a good many of them had always regarded as rather a purist in constitutional matters, should think it quite an ordinary occurrence that in the regrettable absence through illness of the Solicitor-General, and for which they were all sorry, his duties should devolve on a private Member.

MR. MARKHAM (Nottinghamshire, Mansfield) rose to a point of order. Standing Order 19 said that where an hon. Member insisted repeating his own arguments and those of other Members he was out of order. Seeing that the statements about the Solicitor-General had been repeated already by at least ten speakers, he asked if the noble Lord was in order in referring again to the absence of the law officers of the Crown?

*MR. SPEAKER: I am perfectly well acquainted with the Standing Order, and I have already called attention to it once before. If it is necessary, I will put it into force.

VISCOUNT HELMSLEY said that he drew attention to the point because the right hon. Gentleman thought it quite natural that these legal duties should devolve upon a private Member, and not upon one of many eminent lawyers of the Cabinet, who were sitting on the Front Bench opposite. It seemed to him that the Chief Secretary to the Lord-Lieutenant of Ireland might very well answer the legal points which they had raised. He was equally amazed to find his hon. friend the Member for the Walton Division of Liverpool taking up the attitude he had adopted. He could quite understand that hon. Members might be in favour of the Bill, but did they want it, when passed, to be a workable Bill, and a Bill the difficulties in which had been freely discussed and decided? Did they want it to be a Bill which should lead to litigation in the future, or one which should stand on its own merits, and not cause those frequent disputes which would otherwise inevitably occur? Although they might be in favour of the Bill, there was no reason why it should be passed that night. Why should that particular night be selected, when they were unfortunately deprived of the presence of the Solicitor-General? It was admitted by the Government that he was the only law officer who knew anything about it. If that was not admitted by the Government, then there was no lawful reason why the Attorney-General should not take his place. They hoped the Solicitor-General's health would be improved some time during this session. The discussion might perfectly well be adjourned to another night, without running any risk of the Bill not getting through. Hon. Members argued that they must at once pass the Bill because of the immense demand for it in the country, and because for thirty years it had been before the country, and the right hon. Gentleman the Member for Bordesley talked about the thousands of women who were waiting in patience for it. It was almost pathetic to think that with all these hon. Gentlemen returned, according to the hon. Member for the Walton Division of Liverpool, to pass the Bill, and with the fact that the Bill had been before the country for thirty years, that the result should be that the number of objections to the measure was greater than the number in favour of it. He asked, was the Bill likely to get the serious discussion it deserved if hon. Members proceeded to carry it at that hour in the morning when the House was obviously not in a frame of mind for properly discussing it? If the Government thought they were going to cow the Opposition by their huge majority they were very much mistaken; and if they thought they were going to do anything to restore the dignity of the House, as they had so often promised in the country, they must adjourn the debate.

Question put.

The House divided:—Ayes, 27; Noes, 208. (Division List No. 425.)

AYES.

Acland-Hood,Rt.Hn.SirAlex.F
Anson, Sir William Reynell
Balcarres, Lord
Banbury, Sir Frederick George
Bowles, G. Stewart
Bridgeman, W. Clive
Bull, Sir William James
Carlile, E. Hildred
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Douglas, Rt. Hon. A. Akers-
Forster, Henry William
Gretton, John
Hardy,Laurence (Kent,Ashfo'd
Hay, Hon. Claude George
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Kennaway, Rt. Hn. Sir John H
MacVeagh, Jeremiah (Down, S.
Middlemore,John Throgmorton
Nicholson, Wm. G. (Petersfield
Rawlinson,John Frederick Peel
Talbot, Lord E. (Chichester)
Valentia, Viscount
White, Patrick (Meath, North)

TELLERS FOR THE AYES—Sir Henry Craik and Mr. Ashley.

NOES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Ainsworth, John Stirling
Alden, Percy
Allen, A. Acland (Christchurch)
Baker,Joseph A. (Finsbury, E.)
Baring, Godfrey (Isle of Wight)
Baring,Capt.Hn.G (Winchester
Beauchamp, E.
Beck, A. Cecil
Bellairs, Carlyon
Berridge, T. H. D.
Bertram, Julius
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Bright, J. A.
Burnyeat, W. J. D.
Byles, William Pollard
Carr-Gomm, H. W.
Causton,Rt HnRichard Knight
Cawley, Sir Frederick
Chamberlain,Rt.Hn.J.A.(Worc
Chance, Frederick William
Cheetham, John Frederick
Clough, William
Cobbold, Felix Thornley
Collings, Rt.Hn.J.(Birmingh'm
Collins, Stephen (Lambeth)
Collins,Sir WmJ.(S.Pancras,W
Cooper, G. J.
Corbett,C.H.(Sussex,E.Grnst'd
Cory, Clifford John
Cox, Harold
Craig, Herbert J. (Tynemouth)
Crooks, William
Crossley, William J.
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Elibank, Master of
Essex, R. W.
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey
Faber, George Denison (York)
Fenwick, Charles
Ferens, T. R.
Fiennes, Hon. Eustace
Findlay, Alexander
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gill, A. H.
Gladstone,Rt.Hn. HerbertJohn
Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Gurdon,Rt Hn SirW.Brampton
Haldane, Rt. Hon. Richard B.
Hall, Frederick
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harvey, A. G. C. (Rochdale)
Harvey, W.E. (Derbyshire,N.E
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson,J.M.(Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Hornby, Sir William Henry
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Jones,Sir D.Brynmor(Swansea)
Jones, Leif (Appleby)
Jones,William (Carnarvonshire
Jowett, F. W.
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lambert, George
Lamont, Norman
Lea,Hugh Cecil (St. Pancras,E.
Leese,Sir Joseph A.(Accrington
Lehmann, R. C.
Lever,A.Levy (Essex,Harwich)
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Luttrell, Hugh Fownes
Lyell, Charles Henry
Macdonald, J. R. (Leicester)
Macdonald,J.M.(Falkirk B'ghs)
Mackarness, Frederic C.
Maclean, Donald
Macpherson, J. T.
M'Callum, John M.
M'Crae, George
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks,G.Croydon (Launceston)

Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Montgomery, H. G.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Nicholson, Charles N. (Doncastr
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Donnell, C. J. (Walworth)
O'Grady, J.
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pearson, W. H. M. (Suffolk, Eye)
Pollard, Dr.
Price, C. E. (Edinb'gh, Central)
Radford, G. H.
Randles, Sir John Scurrah
Raphael, Herbert H.
Rea, Walter Russell (Scarboro'
Rendall, Athelstan
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mpt'n
Rickett, J. Compton

Ridsdale, E. A.
Roberts, Charles H. (Lincoln)
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'd)
Robertson, J. M. (Tyneside)
Robinson, S.
Rogers, F. E. Newman
Rose, Charles Day
Rowlands, J.
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott, A. H. (Ashton under Lyne
Seddon, J.
Seely, Colonel
Shackleton, David James
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Sloan, Thomas Henry
Smeaton, Donald Mackenzie
Smith, F. E. (Liverpool, Walton)
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.)
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Sutherland, J. E.

Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thornton, Percy M.
Trevelyan, Charles Philips
Ure, Alexander
Walsh, Stephen
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent
Ward, W. Dudley (South'mp'n
Wardle, George J.
Waring, Walter
Warner, Thomas Courtenay T.
Waterlaw, D. S.
Weir, James Galloway
White, J. D. (Dumbartonshire)
Whitley, John Henry (Halifax)
Wiles, Thomas
Williams, J. (Glamorgan)
Wills, Arthur Walters
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Wood, T. M'Kinnon

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

Original Question put.

The House divided:—Ayes, 205; Noes, 26. (Division List No. 426.)

AYES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Ainsworth, John Stirling
Alden Percy
Allen, A. Acland (Christchurch)
Baker, Joseph A. (Finsbury, E.
Baring, Godfrey (Isle of Wight)
Baring, Capt. Hn. G. (Winchester
Beauchamp, E.
Beck, A. Cecil
Bellairs, Carlyon
Berridge, T. H. D.
Bertram, Julius
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Bright, J. A.
Burnyeat, W. J. D.
Byles, William Pollard
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Chamberlain, Rt. Hn. J. A. (Wor.
Chance, Frederick William
Cheetham, John Frederick
Clough, William
Cobbold, Felix Thornley
Collings, Rt. Hn. J. (Birmingham
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W.
Cooper, G. J.
Corbett, C. H. (Sussex, E. Gr'st'd
Cory, Clifford John

Cox, Harold
Craig, Herbert J. (Tynemouth)
Crooks, William
Crossley, William J.
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Elibank, Master of
Essex, R. W.
Esslemont, George Birnie
Evans, Samuel T.
Everett, R. Lacey
Faber, George Denison (York)
Fenwick, Charles
Ferens, T. R.
Fiennes, Hon. Eustace
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gill, A. H.
Gladstone, Rt. Hn. Herbert John
Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough
Gurdon, Rt. Hn. Sir W. Brampton
Haldane, Rt. Hon. Richard B.
Hall, Frederick
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harvey, A. G. C. (Rochdale)
Harvey, W. E. (Derbyshire, N.E.
Haworth, Arthur A.

Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Hornby, Sir William Henry
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Jones, Sir D. Brynmor (Swansea
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Jowett, F. W.
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamb, Edmund G. (Leominster
Lambert, George
Lamont, Norman
Lea, Hugh Cecil (St. Pancras, E.
Leese, Sir Joseph F. (Accrington
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich
Levy, Sir Maurice
Lewis, John Herbert
Lough, Thomas

Lupton, Arnold
Luttrell, Hugh Fownes
Lyell, Charles Henry
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs
Mackarness, Frederic C.
Maclean, Donald
Macpherson, J. T.
M'Callum, John M.
M'Crae, George
Maddison, Frederick
Mallet, Charles E.
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie J.
Micklem, Nathaniel
Montgomery, H. G.
Morrell, Philip
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Nicholson, Charles N. (Doncast'r
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Donnell, C. J. (Walworth)
O'Grady, J.
Parker, James (Halifax)
Pearce, Robert (Staffs., Leek)
Pearson, W. H. M. (Suffolk, Eye
Pollard, Dr.
Price, C. E. (Edinburgh, Central
Radford, G. H.
Randles, Sir John Scurrah
Raphael, Herbert H.
Rea, Walter Russell (Scarboro'
Rendall, Athelstan
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mpt'n
Rickett, J. Compton
Ridsdale, E. A.
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Br'df'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Rogers, F. E. Newman
Rose, Charles Day
Rowlands, J.
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott, A. H. (Ashton under Lyne
Scott, Sir S. (Marylebone, W.)
Seddon, J.
Seely, Major
Shackleton, David James
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sinclair, Rt. Hon. John
Sloan, Thomas Henry
Smeaton, Donald Mackenzie
Smith, F. E. (Liverpool, Walton)
Stanger, H. Y.
Stanley, Albert (Staffs., N. W.)
Stanley, Hn. A. Lyulph (Chesh.
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Sutherland, J. E.
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thornton, Percy M.
Trevelyan, Charles Philips
Turnour, Viscount
Ure, Alexander
Walsh, Stephen
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent
Ward, W. Dudley (Southampt'n
Wardle, George J.
Waring, Walter
Warner, Thomas Courtenay T.
Waterlow, D. S.
Weir, James Galloway
White, J. D. (Dumbartonshire)
Whiteley, John Henry (Halifax
Wiles, Thomas
Williams, J. (Glamorgan)
Wills, Arthur Walters
Wilson, Henry J. (York, W. R.
Wilson, John (Durham, Mid)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Wood, T. M'Kinnon

Tellers for the Ayes—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Acland-Hood, Rt. Hn. Sir AlexF
Anson, Sir William Reynell
Ashley, W. W.
Balcarres, Lord
Banbury, Sir Frederick George
Bridgeman, W. Clive
Bull, Sir William James
Carlile, E. Hildred
Cave, George
Cecil Evelyn (Aston Manor)
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-
Forster, Henry William
Gretton, John
Hay, Hon. Claude George
Helmsley, Viscount
Hill, Sir Clement (Shrewsbury)
Kennaway, Rt. Hon. Sir John H.
MacVeagh, Jeremiah (Down, S.
Nicholson, Wm. G. (Petersfield
Rawlinson, John Frederick Peel
Talbot, Lord E. (Chichester)
Valentia, Viscount
White, Patrick (Meath, North)

Tellers for the Noes.—Mr. Laurence Hardy and Mr. Bowles.

*Sir WILLIAM ANSON wanted to know what was meant by the first line of the clause. It appeared to him that the draftsman had in one sentence tried to find words which were applicable both to those who had married in the past and to those who wished to marry in the future. The word "marriage" was not applicable to those who were married in the past because what they had contracted was not marriage. The words "form of marriage" seemed hardly sufficient, because they wanted the intention of marriage, otherwise a marriage in private theatricals might have the meaning of marriage under this clause. He moved the omission of the words "form of marriage" in order to ascertain whether they were intended to meet all the circumstances of the case, and what was meant by contracting a "form of marriage."

Amendment proposed—

"In page 1, line 7, to leave out the words 'form of marriage.'"—(*Sir W. Anson.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Sir BRAMPTON GURDON said the words "form of marriage or" were put in in Committee so as to meet the Opposition, although the words seemed to be perfectly useless.

LORD R. CECIL said that perhaps he might regard himself as being the legal adviser of the Government on this Amendment. The Bill originally read "no marriage contracted between a man and his deceased wife's sister within the realm." His point—and he thought it was a sound one— was that they could not say that a marriage was contracted between a man and his deceased wife's sister because such a union was not a marriage, and therefore, to set out by saying that such a marriage should not be void was wrong drafting, because the thing they were saying was not void had never had any existence at all. That was the reason why he thought that the words "form of marriage" should be inserted, though he admitted they could not say both "form of marriage" and "marriage"—it ought to be one or the other. He did not know that the legal effect of the Bill would be very different, but as a matter of logic he thought "form of marriage" was right, and "marriage" was wrong.

MR. HALDANE said the addition to the drafting was put in at the instance of the noble Lord. He himself thought it was hypercriticism. He favoured the proposition as it originally stood, and the Government were prepared to accept the Amendment of the hon. Baronet the Member for Oxford University.

MR. CAVE thought the Amendment was an improvement on the Bill. He was not one of those who supported his noble friend in Committee on this point, and he did not see how a form of marriage could be void.

VISCOUNT HELMSLEY asked the hon. Member for Walthamstow whether it was not the case that "form of marriage" was a good form of words to refer to marriage heretofore and hereafter. Although it was true that a marriage hereafter would be a civil contract because legalised as such, it was equally true to say —and he thought it was due to the susceptibilities of those who had held that these were not marriages—that it was only a form of marriage heretofore. He hoped the hon. Baronet would not press his Amendment.

MR. ASHLEY thought the actual Amendment made nonsense. It ought to be "form of marriage or."

THE DEPUTY-SPEAKER: Will the hon. Baronet withdraw his Amendment and move it in the form suggested by the hon. Gentleman?

SIR WILLIAM ANSON said the Chancellor of the Duchy of Lancaster had just called his attention to the point, and he would be glad to alter the Amendment.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 1, line 7, to leave out the words 'form of marriage or.'"—(*Sir W. Anson.*)

Amendment agreed to.

LORD R. CECIL moved an Amendment to confine the operation of the Bill to persons who should have declared themselves not to be members of the Church of England. There was no doubt, he said, that the law of the Church of England rendered these marriages illegal and improper. No attempt was made to alter that law, and no loyal member of the Church of England could really enter into a marriage of this sort, whatever the Legislature might do in reference to the civil contract. Until the law of the Church of England was altered, only those who were not members of the Church of England should be permitted to enter into these contracts. Hon. Gentlemen who took a different view with regard to the Bill might not agree with him, but it was right that they should consider this point as all other points.

MR. RAWLINSON seconded.

Amendment proposed—

"In page 1, line 7, after the word 'marriage,' to insert the words 'between persons who shall have declared themselves not to be members of the Church of England.'"—(*Lord R. Cecil.*)

Question proposed, "That those words be there inserted."

SIR BRAMPTON GURDON said he could not accept the Amendment, which was moved upstairs in Committee by the noble Lord and fully discussed.

SIR F. BANBURY said he could quite understand that there were members of the Church of England who were desirous that the Bill should become law, who thought that, after all, the prejudices and the law of the Church of England might be wrong. But if that was so, the very first thing the promoters of the Bill ought to do was to see that the canon law of the Church of England was altered. He did not pretend to be an authority on the canon law of the Church of England. But his noble friend was an authority, and he understood from him that it would be perfectly possible to arrange with Convocation that the canon law of the Church of England should be altered. If that were so, he saw no reason why the right hon. Gentleman should not have taken that step before he brought in the Bill. If he could get up and give any valid reason why that should not be done it might possibly change the vote he (Sir F. Banbury) was about to give, but short of that he would certainly support his noble friend. He really saw no reason, beyond this, that the desire of the right hon. Gentleman was to force the Bill through in the simplest and shortest manner possible. It might have taken a considerable time to obtain the desired alteration in the canon law, but it would have been more satisfactory. If the Amendment of his noble friend were accepted it would be going a considerable step in the direction which he thought was right, and he would then be able to alter the canon law, and to bring in another Bill in another session of Parliament.

*MR. JESSE COLLINGS said they all respected the sincere position which certain hon. Members took towards the Bill, but he was surprised that a member of the Church of England should move such an Amendment. What would happen? Two people were in love with one another. There was a rivalry set up between the love for the Church and the love for the woman. The love for the woman would prevail, and they would consequently, although sincere members of the Church of England, leave that Church and declare themselves not to be members of the Church of England. They were bound to do so. No two people in those circumstances would ever, for the sake of remaining in the Church of England, give up each other; that was against human nature. Would anyone contradict that? Would the noble Lord contradict it? Then what was he doing? He was dealing a blow to the Church of England, and once having left the Church of England in order to get married the chances were that these people would not return to the Church. Therefore, from the Church of England's point of view he would recommend the withdrawal of this wonderful Amendment. Personally he was no enemy of the Church of England.

LORD R. CECIL said the right hon. Gentleman who had intervened in the debate was always extremely interesting, not only to those who agreed with him, but to those who differed. The speech just delivered had been particularly interesting to him as it threw a light on the right hon. Gentleman's conception of membership of a religious body. His conception of a religious body was, as he understood it, a kind of club which was desirous of having as many people in it as they could possibly get, quite irrespective of their opinions or conduct. They must have no rules in that club which would conflict with the natural passions and desires of any possible members. The right hon. Gentleman said with great force that when the love of woman and love of the Church were in conflict, the love of woman would prevail. He did not think he had quite considered how far that principle would go. Was he going to abolish all restraint between the sexes, because the principle went as far as that? Unfortunately, it was the case that men loved women without any idea of marriage at all.

*MR. JESSE COLLINGS: That does not apply in this case.

LORD R. CECIL asked if the Church was to have no restriction on marriage at all. The right hon. Gentleman evidently thought that the Church as a Church should have no restriction, because if it did there would be conflicts between love of woman and the Church, and the former would prevail. That argument meant the abolition of all moral law. The right hon. Gentleman's proposition was quite simple, and was stated with epigrammatic force.

*MR. JESSE COLLINGS said he must ask the noble Lord not to misrepresent him. What he said was this—that as the Amendment declared that they should not be members of the Church of England, all he said was that the attachment between the two would lead them to declare themselves not members of the Church of England in order to get married, and having declared that, they were not likely to return.

LORD R. CECIL said the right hon. Gentleman had repeated with great force exactly what he had said. He was quite sure he did not appreciate how far his principles carried him. His principle was, broadly, that they were not to have a rule of membership of the Church of England which would in any way restrain a man from marrying any woman whom he happened to love. That was really what he did mean.

*MR. JESSE COLLINGS: Oh, no. The position will be that these two people will be no longer members of the Church of England, and therefore not subject to the rules of that Church.

LORD R. CECIL: That is just what I said. I do not desire, however, to press the matter. I think the House sees that whatever may be said against this Amendment, it is not open to the criticism levelled against it by the right hon. Gentleman.

Amendment negatived.

MR. EVELYN CECIL moved to leave out the words "heretofore or." He said this Amendment raised the whole question of the retrospective action of the Bill. There were certain Members who would be much more willing to assent to the passing of the Bill if it did not, by being retrospective, infringe one of the first principles of legislation. Let the House imagine how far they were going to be carried. If this kind of principle was to be universally adopted they would allow a lawbreaker to defy the law and then bring in legislation to condone his action. That was really a premium on defying and breaking the law, and no provision in the Bill showed more clearly what its object really was than this particular provision. He, and those who thought with him, said that the Bill was really brought in to whitewash people who had already broken the law; and if that was to be the line on which Parliament was going to pass legislation, they would find themselves in confusion very soon indeed. Let him take one or two instances. Supposing, for instance, hon. Gentlemen opposite felt strongly about passive resistance—were they going to bring in a Bill at once to whitewash all passive resisters? If they were going to oppose this Amendment, why should they not have legislation for passive resisters, and if they were willing to whitewash passive resisters in accordance with their action of resisting this Amendment, did they propose to whitewash others if they were passively to resist, say, an Education Bill next year? The whole principle was most mischievous and vicious, and it was high time strong language should be used about it. They had an instance the other day of the tendency of the Party now in power to condone breaches of the law. It was within the recollection of most hon. Members that they had an interesting discussion on the salaries of teachers in Merionethshire, and in that case the Government did their best to condone the action of the Merionethshire County Council in refusing to pay the non-provided school teachers by the date that their salaries were due, while they paid the council school teachers. The argument the other day which was more or less condoned by the Government was that it was a matter of conscience on the part of the Merionethshire County Council, and that therefore, in fact, they were justified in the action they took. The plea for persons who had married a deceased wife's sister already was that it was a matter of conscience, he supposed, and that therefore they ought to be whitewashed. He hoped the analogy was now plain to hon. Members opposite. This principle of legislation he could not repeat too strongly was a vicious one. For that reason, he strongly urged on the right hon. Gentleman in charge of the Bill to accept the Amendment to allow the Bill only to apply to the future. He did not speak only for himself, but there were hon. Members on that side of the House and certainly some people in the country who would have far less objection to the Bill than they had at present if his Amendment were accepted. There was another side to the matter which was also important. If the Bill was made retrospective, it might involve them in many complications which were not quite obvious at first sight. The hon. Member for East Marylebone had referred to a man marrying three sisters, which the House treated with laughter because hon. Members thought it an extreme case. If he took another case and did not make it so extreme, hon. Members would see that it applied to his Amendment. If a man married, and his wife died, and then he married his deceased wife's sister, and got tired of her, and then married anybody else, what would be the result if his Amendment was not adopted? The Bill was retrospective and therefore applied to the so-called wife number two. The Bill made the woman of whom the husband had got tired his legal wife, and if, in the meantime, he had married someone else, were the second and third wives both legal wives? What would be the situation? This was an extremely complicated situation, about which he would like to have the best legal opinion. He saw in his place the Solicitor-General for Scotland. He thought there might be some hope as the House had been deprived of the services of the English law officers that they might get some opinion from him. Failing him, he would ask for an answer from the hon. Member for Walthamstow, more particularly as he had sat so silent the whole evening.

*MR. CAVE (Surrey, Kingston) seconded the Amendment, which he thought raised a most important question. He hoped the House would get something more than a formal refusal and would have some answer to the arguments advanced. He wished to point out that persons who had married in this way had committed a deliberate breach of the Statute law. It would be the worst possible precedent to give Parliamentary sanction to illegal acts done deliberately, and with full knowledge that those acts were a breach of the law of the land. If these marriages were to be validated, it would be difficult to ask Parliament not to validate other marriages made with persons in other degrees of affinity. He remembered that Mr. Gladstone some years ago got some figures showing the number of marriages not only between men and their deceased wives' sisters, but also between men and women within other prohibited degrees. Mr. Gladstone was surprised to find how numerous were the marriages within these other prohibited degrees. He was bound to say that if a retrospective effect was given to this Bill, it would be difficult hereafter to resist a claim by those persons who had committed a similar offence within other degrees of affinity to have their marriages validated. One other point. By making these marriages valid, the House would be raising very difficult questions affecting the law of property. No one who had paid attention to that matter would doubt that grave difficulties would be caused. By this Bill they would be upsetting legitimate expectations. They would be giving to one person property which, but for that Bill, would go to another. He did not put the property argument first, but he thought it a real and valid argument. He knew many people who were in favour of the proposal to make these marriages valid in the future, and yet were strongly opposed to giving the Bill a retrospective effect.

*MR. JESSE COLLINGS said he would like to ask the hon. Member to withdraw his Amendment. There were thousands of innocent children at the present moment in this country who would, if this Amendment were passed, be, in the eye of the law, bastards, and have no rights that legitimate children had. But they were the children of men and women who had lived their lives loyally and true to one another, virtuous in every way, and who had lived subject to a higher law than any Church law as man and wife. Did the hon. Gentleman say that these people were living in sin or anything approaching to sin?

MR. EVELYN CECIL: Yes, certainly. Would my right hon. friend legitimatise all illegitimate children?

*MR. JESSE COLLINGS said he would legitimatise children of those who had gone through the form of marriage and who were loyally true to one another. There were also the people who came from the Colonies and brought their children with them. The children who were regarded as legitimate in Australia became bastards when they came to this country. There was a grim ascetic tinge of revenge in the Amendment. His hon. friend had said it was time to use strong language, and he agreed that it was indeed time to use strong language when an Amendment of that kind was brought forward. He would ask his hon. friend on the grounds of humanity, of fairness, and of pity and sympathy with the thousands of innocent children brought into the world under the conditions he had named to withdraw his Amendment. He was sure he would not regret it if he did. He was sure that his hon. friend would not wish to go into the division lobby and to have the stigma of having divided the House on an Amendment like that.

MR. SIMON (Essex, Walthamstow) said that even the most retiring private Member might be permitted to have a word on this Amendment. It was no doubt a substantial Amendment, though it was one which had been very fully discussed in previous stages of the Bill. The hon. Member who moved the Amendment had raised what he had been pleased to describe as an important point, and he had had the good fortune to find as a seconder a well-known legal gentleman. But the hon. and learned Member who seconded the Amendment fought very shy of any suggestion that there was a legal conundrum raised. The answer to the question raised by the hon. Member was not one which required lawyers to settle. There was no legal difficulty involved, and all that was required for any hon. Member to answer it for himself was that he should read Clause 1 with reasonably close attention. The solution of the problem, if problem it could be called, was found in perfectly plain language at the end of the clause. The problem was, supposing that a man had already gone through the form of marriage with his deceased wife's sister, that he had got tired of her and had subsequently married a woman who stood in no previous relationship whatever to him, what would be his position after the passing of the Bill? He thought he was right in assuming that this was the question of the hon. Member. The answer was, that where a man had gone through a form of marriage which was valid under the law as it then stood, his earlier form of marriage with his deceased wife's sister would not be affected by the Bill. He understood that this received the approval of the hon. and learned Member for the University of Cambridge. The other matter which had been raised was, he thought—and it had been put with great force by the hon. Members who moved and seconded the Amendment—that it was dangerous to go in for retrospective legislation in matters of that kind. Did the House recognise that the House of Commons had repeatedly in that Parliament, and in previous Parliaments, passed Bills for validitating marriages which were not valid? It was done for many reasons. Sometimes it was because the building in which the ceremony took place was not licensed, but for many other reasons, and in all cases the Act was made retrospective. The objection which had been made to the Bill would have been applicable in such cases.

*MR. CAVE said the marriages the hon. and learned Member had referred to were marriages which at the time when they were solemnised were thought by the parties to be in conformity with the laws of the State.

MR. SIMON said the objection that was raised to making the Bill retrospective, raised questions of great perplexity as to property and legitimacy of children, but every one of those questions of complexity was raised in every case where they had a ceremony which was invalid, but which was made valid by legislation. The answer was none the less effective because of the distinction pointed out by the hon. Member. The real foundation for the opposition which they on that side of the House put to the proposal in the Amendment was on the ground put before the House by the right hon. Gentleman on the Front Bench opposite, that it would be intolerable if the House were to say to children existing at the moment in the position of illegitimate children: "You are not to come under the benefits of this Act; this Act is to be deliberately confined to future children." That would be to make differences and distinctions which he was sure would not commend themselves to the kindly feelings of anyone. While he well understood that some hon. Members opposite took a strong view about that Bill and from purely conscientious motives disapproved of it, they would see that if the Bill was to be passed it should be passed in such a form as to do no violence to the feelings they all had at the bottom of their hearts.

MR. RAWLINSON thought the speech of the hon. and learned Member was a good illustration of the dangers of taking such important business at that hour, for he had put forward a proposition which in calmer hours of the day he would never have put forward. The hon. and learned Member had admitted the difficulties of retrospective legislation so far as marriages were concerned, but had put forward the cases of marriages which were supposed to be valid in the first instance, but became invalid for some reason. But the hon. Member knew that in all those cases where Bills were put forward to make those marriages valid everybody believed them at the time of the marriage to be valid marriages, and the distinction was that in those cases everybody believed at the time that they were born that the children were legitimate. Everybody thought those children were legitimate and continued to regard them as legitimate till the mistake was discovered and Parliament stepped in. Of many such cases in his memory there was one in which people were married by a man who was believed to be a clergyman of the Church of England, but who turned out to be no clergyman at all. The people who had gone through the form of marriage before that man had to have an Act passed to make those marriages valid. The children of the people married by that man were believed to be legitimate. In that case of course it was idle to suggest that any of the considerations which had been mentioned arose. In the case of the people with whom they wished to deal, however, all those people knew at the time that the marriages were invalid and that the children who were born would be illegitimate, and would be illegitimate unless that Act legitimatised them. All the considerations with regard to property indicated by the hon. and learned Member did not arise in those cases. The proposition as to the difficulties which would arise and which were described by the hon. and learned Member as conundrums was put forward by the noble Lord the Member for Marylebone in the first instance, but was revived by the hon. Member and revived wrongly on one detail. The question put by the noble Lord was as to the position of a man who married his wife and on her death went through the form of marriage with her two sisters. That was the question in the first instance, and no answer had been given to it. No answer could be given to it. That there were genuine difficulties involved by the Bill no one could doubt. Apart from the legal questions the hon. and learned Member had made a speech which was unjustifiable, but he had been led away by the example of his right hon. friend, who said that out of pity for the children they ought to pass that Bill that night. They were told to look to those innocent children and out of the kindness of their hearts to legitimatise them. But every illegitimate child was innocent. If they said every illegitimate child was to be legitimatised then there was a great deal to be said for their argument, for every single argument which had been used in connection with that particular class of illegitimate child referred equally to every illegitimate child. To carry his right hon. friend's argument to its proper conclusion they must make every illegitimate child legitimate. There was no half-way house, the argument must be applied equally to all illegitimate children. That was a very dangerous doctrine. They all sympathised with the children, but that hardly met the case. The right hon. Gentleman said that these marriages had been valid, but had not one heard the argument frequently applied to other people on certain occasions? They were dangerous arguments, and he was sorry to draw any distinction between the sides of the House when they did not exist. If they once began the legitimation of children by a subsequent marriage it was a very dangerous type of argument, and if they once appealed to sentiment—kindness, pity, and justice—it would at once cover a far wider field than simply people who had married their deceased wives' sisters, and would apply to all other people who had married other relations within the prohibited degrees of affinity. For these reasons he ventured to ask the House not to deal with this question otherwise than upon the basis of what was fair and right, and not upon the basis merely of sympathy for illegitimate children. They ought to deal with the question upon the ground of expediency. That was the real question they had to deal with.

SIR HENRY FOWLER asked how the hon. and learned Gentleman proposed to deal with the case of a man who married his deceased wife's sister and had three children prior to the passing of this Act. After the passing of this Act the parties might be re-married in order to dissipate all doubts, and if they had three other children, did he propose that those three subsequent children should be legitimate or illegitimate ?

MR. RAWLINSON said he had no difficulty in answering the question at all. Assuming that his hon. friend's Amendment was carried, it would be exactly the same as at the present time. It happened every day in one's legal experience that a man was living with a person who was not his wife and had illegitimate children. He afterwards married and had other children. The consequence was that the latter were legitimate and the former illegitimate. In that respect the English law differed from the law of many other countries. The law of Scotland, of course they knew, took a different aspect.

SIR J. JARDINE said the argument of the hon. and learned Member for the University of Cambridge was answered by the long established law of Scotland which made bastard children legitimate if their parents afterwards joined in lawful wedlock. The same view was taken as regards the Church of England in olden time as soon as this question had become a burning one, which was when the clergy of the Church of England took to marrying. A law of Henry VIII, one of the Six Articles, forbade their matrimony on penalty of death and forfeiture of property. The Statute 2 and 3 Edward VI., Chap. 21, was however passed to abolish all positive laws against the marriage of priests, but the profound dislike of these unions, based on religious morality, survived, and people were long in the habit of pointing the finger of scorn at these clergymen's children, so that fresh legislation had to be resorted to, the Statute 5 and 6 Edward VI., Chap. 12, which says in its preamble that—

> "Divers evil disposed persons do untruly and very slanderously say that it was but a permission, so that many people counted priests' children bastards."

The law enacted, therefore, that the matrimony of all and every priest heretofore and hereafter was valid. These Reformation Statutes were, however, repealed under Queen Mary, but revived again under James I., when the matter was settled for all time, and priests' children again declared to be legitimate, any canon or constitution notwithstanding.

MR. BOWLES (Lambeth, Norwood) said that for his part he attached the greatest importance to the retrospective character of the Bill. If the retrospective provision were taken out he did not say he would be entirely reconciled because he would not, but certainly, so far as he was concerned, the greater part of his objections would be removed. They had to deal here with two classes of persons according to the arguments that had been put forward : they had to deal with parents and with children. With regard to parents, it seemed enough to say that if two persons with their eyes open entered into a union of this kind, knowing perfectly well all the time, as every one of them either did or ought to, that they were contracting an irregular and improper union, which, if it resulted in any issue, would render that issue illegitimate, they ought not to come to the House of Commons asking to have that union legalised in order to legitimise their children. The hon. Gentleman who had just sat down had ransacked history for some precedents in the matter. He had gone back to Edward VI., and quoted the preamble of an Act which legitimised the children of priests who had married before the passing of that Act, but the hon. Gentleman did not remind the House that that was merely an Act for the removal of doubts. The marriages of those priests to which the Act referred were perfectly legal marriages ; the marriage of a priest was made legal long before the Act of Edward VI. The removing of doubts was one thing, but he said without fear of contradiction that there was no precedent whatever in the history of this country for making marriage unions legal, and for legitimising children who, before the passing of the Act, were illegitimate without any doubt, and to the knowledge of their parents. He fully recognised, as everybody must, the hard case of the children of those unions. Everybody must see that their case was deserving of consideration, but he had two remarks to make on the argument *ad misericordiam* of the children. If the mere fact that a child was innocent was to be held as a ground for making it legitimate, they would be bound to legitimise every illegitimate child. There was no escaping from that. The argument was a mere appeal to the pity which everyone must feel for children in that position. It was no argument at all for seeking out one particular class of child and legitimising it. This Bill, however, did not legitimise, but only half legitimised. It was perfectly clear that these children, as compared with the children of other marriages, were to have no rights to property. He commended that to the right hon. Gentlemen the Member for Bordesley. For his part he thought that that was a great, clear, and common-sense objection to the Bill. It might be right, but he thought it was not, to say that a man might in future marry his deceased wife's sister; but it could not be right to go back to people who did what they knew was wrong, or what at any rate, if they did not know it was wrong, they were monstrously negligent in not knowing. If they had not broken the law what on earth was the object of the Bill? Of course they had broken the law, and they knew they were breaking the law, and he repeated that it was a monstrous thing to come like that to the House. A great many of them were wealthy persons who had been conducting this agitation for years, and it was just to whitewash these few wealthy persons, and for no other reason, that the Bill was brought forward. It was a dishonest Bill, and if it were really a Bill founded on principle and not upon the mere selfish expediency of a few interested persons, it would not go back to the past, but apply simply to the future.

Question put.

The House divided:—Ayes, 191; Noes, 18. (Division List No. 427.)

AYES.

Acland, Francis Dyke
Ainsworth, John Stirling
Allen,A.Acland(Christchurch)
Baker,JosephA.(Finsbury,E.)
Baring,Godfrey(Isle of Wight)
Beauchamp, E.
Beaumont, Hon. Hubert
Beck, A. Cecil
Berridge, T. H. D.
Bertram, Julius
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Bright, J. A.
Burnyeat, W. J. D.
Byles, William Pollard
Carr-Gomm, H. W.
Causton,Rt.Hn.RichardKnight
Cawley, Sir Frederick
Chance, Frederick William
Cheetham, John Frederick
Clough, William
Cobbold, Felix Thornley
Collings,Rt.Hn.J.(Birm'gham)
Collins, Stephen (Lambeth)
Collins,SirWm.J.(S.Pancras,W
Cooper, G. J.
Corbett,CH(Sussex,E.Grinst'd)
Cory, Clifford John
Cox, Harold
Craig, Herbert J. (Tynemouth)
Crooks, William
Crossley, William J.
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dobson, Thomas W.
Duncan,C.(Barrow-in-Furness)
Dunn, A. Edward(Camborne)
Edwards, Clement (Denbigh)
Elibank, Master of
Essex, R. W.
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Fiennes, Hon. Eustace
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gill, A. H.
Gladstone,Rt.Hn.HerbertJohn
Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Gurdon,RtHn.SirW.Brampton
Haldane, Rt. Hon. Richard B.
Hall, Frederick
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harvey,W.E.(Derbyshire,N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson,J.M.(Aberdeen,W.)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Jones,SirD.Brynmor(Swansea)
Jones, Leif (Appleby)
Jones,William(Carnarvonshire)
Jowett, F, W.
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamont, Norman
Lea,HughCecil(St.Pancras,E.)
Leese,SirJosephF.(Accrington)
Lehmann, R. C.
Lever,A.Levy(Essex,Harwich)
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Lyell, Charles Henry
Macdonald, J. R. (Leicester)
Macdonald,J.M.(FalkirkB'ghs)
Mackarness, Frederic C.
Maclean, Donald
Macpherson, J. T.
MacVeagh,Jeremiah(Down,S.)
M'Callum, John M.
M'Crae, George
Maddison, Frederick
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks,G.Croydon(Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel

Montgomery, H. G.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Nicholson,CharlesN.(Doncast'r
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pollard, Dr.
Price,C.E.(Edinburgh,Central)
Radford, G. H.
Randles, Sir John Scurrah
Raphael, Herbert H.
Rea,WalterRussell(Scarboro')
Rendall, Athelstan
Richards,Thomas(W.Monm'th)
Richards,T.F.(Wolverh'mpt'n
Rickett, J. Compton
Ridsdale, E. A.
Roberts, G. H. (Norwich)
Robertson,SirG.Scott(Bradf'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Rogers, F. E. Newman
Rose, Charles Day
Rowlands, J.
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott,A.H.(Ashton-under-Lyne
Scott, Sir S. (Marylebone, W.)
Seddon, J.
Seely, Colonel
Shackleton, David James
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sloan, Thomas Henry
Smeaton, Donald Mackenzie
Smith,F.E.(Liverpool,Walton)
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley,Hn. A. Lyulph(Chesh.)
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Taylor,TheodoreC.(Radcliffe)
Thornton, Percy M.
Trevelyan, Charles Philips
Ure, Alexander
Walsh, Stephen
Walton, Joseph (Barnsley)
Ward,John (Stoke-upon-Trent)
Ward,W.Dudley(Southampton
Wardle, George J.
Waring, Walter
Warner, ThomasCourtenay T.
Waterlow, D. S.
Weir, James Galloway
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitley,JohnHenry(Halifax)
Wiles, Thomas
Wills, Arthur Walters
Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Wood, T. M'Kinnon

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Anson, Sir William Reynell
Ashley, W. W.
Balcarres, Lord
Banbury, Sir Frederick George
Bowles, G. Stewart
Bridgeman, W. Clive
Bull, Sir William James
Carlile, E. Hildred
Cecil, Lord R. (Marylebone,E.)
Craik, Sir Henry
Forster, Henry William
Hardy,Laurence(Kent,Ashford
Hay, Hon. Claude George
Helmsley, Viscount
Nicholson, Wm. G. (Petersfield)
Rawlinson,John Frederick Peel
Talbot, Lord E. (Chichester)
Valentia, Viscount

TELLERS FOR THE NOES—Mr. Evelyn Cecil and Mr. Cave.

LORD EDMUND TALBOT moved an Amendment to limit the effect of the Bill to such marriages as had already taken place, his object being to legalise those marriages which had taken place in the past already with the ecclesiastical sanction of their Church. The House was aware that the position of Catholics was somewhat peculiar on this question. They could contract these marriages lawfully according to the law of the Church, by obtaining a dispensation for the purpose, but the law of the land being what it was, the children of such marriages were illegitimate. He was so strongly opposed to the Bill's being made law that he could not take upon himself the responsibility of voting in favour of it, but he wanted to take this opportunity of legitimising the children of marriages of members of his faith which had been contracted according to the law of their Church, if not according to the law of the land.

MR. L. HARDY seconded.

Amendment proposed—

In page 1, line 7, leave out "or hereafter."—(*Lord Edmund Talbot.*)

Question proposed—

"That the words proposed to be left out stand part of the Bill."

LORD R. CECIL thought the Amendment was far less defensible than the one they had just discussed. Its object was to cut future marriages out of the Bill. He had a little difficulty in following his noble friend. He was utterly opposed to every line of the Bill, however, and so any Motion to omit any words or any portion of the Bill would have his support. But if they were to have a measure legitimising a marriage with a deceased wife's sister, it seemed a little difficult to defend the proposition that it should not apply to future marriages. He spoke with the greatest possible confidence against the retrospective principle of the measure, but he disliked every portion of the Bill.

Amendment negatived.

LORD R. CECIL moved to leave out the words "or without." He said till last year the position with reference to these marriages with a deceased wife's sister was this: they were legal in many of the Colonies, but ceased to be legal when the parties came to England. That was a position of affairs which was very difficult to defend. So the Under-Secretary for the Colonies last year introduced and carried a provision which legitimised the children at any rate of those who had contracted marriages in the Colonies. He did not see now what reason the words "or without" had in the Bill at all. Hon. members had nothing to do with marriages which took place in foreign countries under foreign laws. They only dealt with our own marriages. That seemed to be covered by the words "within the Realm." He thought that it would be proper to strike out the words "within the Realm or without." He would like to know from the legal officers of the Government or from the hon. member for Walthamstow what was the exact force of the words "or without." He thought the words were taken from the old Act which was designed to meet Colonial marriages. He ventured to move that these words be omitted.

Amendment proposed—

"In page 1, line 9, to leave out the words 'or without.'"—(*Lord Robert Cecil.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. SIMON said it was not likely that the legal members of the House would have a substantial difference of opinion about these words. They could not apply English law to legitimise marriages if the man was not domiciled in this country.

MR. F. E. SMITH (Strand, Westminster) thought that what the hon. Member said was right.

Amendment negatived.

LORD R. CECIL moved to leave out the words "or voidable." Ever since the 1835 Act, marriages between a man and his deceased wife's sister had been absolutely void, and marriages contracted between a man and his deceased wife's sister before 1835 were voidable. The only object of the words of which he complained would be to validate marriages contracted before 1835. He could not conceive any reason why that should be done. He saw a considerable danger in validating marriages between people who were dead. He knew that the argument projected was that there might be children about, and that they should have the benefit of such legitimation as this Bill could give them. There could be no reason for making these marriages before 1835 legal, and he ventured to suggest that these words should be excluded.

Amendment proposed—

"In page 1. line 10, to leave out the words 'or voidable.'"—(*Lord Robert Cecil.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. SIMON said that no harm was done by inserting these words in the Bill.

*SIR W. ANSON said that in the circumstances it appeared to him that the words were useless, and words which appeared to be useless in an Act of Parliament, were apt to turn out worse than useless when the law come to be interpreted and applied.

MR. F. E. SMITH said that though he was in favour of the Bill he thought it was perfectly obvious that they ought not to continue to discuss it at that hour of the morning. Four o'clock in the afternoon, not four o'clock in the morning, was the time to see that the Bill was made as clear and as workable as possible. They ought not to put a single word in the Bill unless they were able to put a definite meaning to it. After hearing what the hon. Gentleman had said, he was satisfied that there was not sufficient reason for inserting the words, while his experience in the law courts was that if they were inserted the ambiguity in them would lead to trouble in the law courts.

Amendment negatived.

MR. LAURENCE HARDY moved an Amendment giving an opportunity to either party to such a form of marriage contracted before the passing of the Act to avoid the Act by a declaration in prescribed form that he or she did not desire such a form of marriage to be valid. He moved that Amendment in order to clear up the question which had been raised in other parts of the debate as to the position of the parties when the Act came into operation. Instances had been given of the different ways in which it was clear there might be cases where the two parties to that form of marriage might not desire that their marriages should be made valid. The Amendment he had moved gave an opportunity during the short interval before the Act came into operation for those persons to exercise their own judgment in the matter and to decide whether the union which was an illegal union should become a legal union under that Act. Unless they adopted the Amendment they would, as had already been pointed out, have people compulsorily married, though they might be unwilling now to carry out the arrangement which they made in their young life. He did not desire to labour the point in any way, but it was a point which had been previously made, and one for which it was clear something must be done to remedy the difficulty. There were other Amendments on the Paper which dealt with the same point in different words, and he was not particular about adhering to the words he had moved. He thought, however, some words were necessary to deal with the question.

MR. RAWLINSON seconded the Amendment. He said he had an Amendment on the Paper dealing with the same point, which he would prefer so far as the wording was concerned, for it went further than the hon. Member's Amendment. The object was one which did not in any way touch the main details or objects of the Bill. Directly the Bill passed into law, everybody who previous to the passing of the Bill had gone through the form of marriage with his deceased wife's sister would be bound to her for life. That Amendment said that where the two people did not wish to be married, they should within six months of the passing of the Bill make a statement to that effect in writing, and then the marriage would not be valid. If they did not accept the Amendment the Bill would lead to serious consequences. Assuming a man had married his deceased wife's sister, but after living happily for a time disputes had arisen and they had agreed to separate—perhaps one of them had committed adultery—yet when that Bill passed into law and forced those two people to be man and wife there would be no remedy in such a case for either party. The adultery would have been committed before they were man and wife, and therefore there would be no remedy. The effect of that Amendment would be to give those people the option of not taking advantage of the Bill. He did not propose at that time of night to deal with the broad general principles of the matter, but in every single state in the world two people had to agree to marry. The Bill in its present form would for the first time make people marry who might not wish to marry at all, and who were not married at the present time. The Amendment was only carrying out the intention of the promoters of the Bill, who he was sure did not wish that people who did not desire to be legally married should be forced to be.

Amendment proposed—

"In page 1, line 10, after 'affinity,' to insert 'unless either party to such a form of marriage contracted before the passing of this Act shall within six months of the passing of this Act declare in writing in a prescribed form that he or she do not desire such a form of marriage to be valid."—(*Mr. Laurence Hardy.*)

Question proposed, "That those words be there inserted."

SIR BRAMPTON GURDON said the Amendment amounted really to divorce by consent of one party only. He could imagine a case where a man had gone through the form of marriage, and if that Amendment were carried he would be able to sneak out of his engagement and desert his wife. Under the Bill as it at present stood they did not make people marry, but where people had gone through the form of marriage in the past that form of marriage would be made legal. They could not possibly accept the Amendment.

MR. LEA (St. Pancras, E.) said that he personally desired to see the Bill go through to remedy a long-felt want in the life of the nation, but the point under discussion had been raised earlier in the evening by the hon. Baronet representing the City of London, who gave a specific instance which the Amendment was designed to meet. How would the right hon. Gentleman deal with a case like that of a man and woman who had gone through the form of marriage, who had lived for some time happily together, but who had disagreed and decided to separate? They were not married now in the eyes of the law, but if the Bill without the amending clause went through they were remarried at once. The right hon. Gentleman said that what the proposal amounted to was divorce by one party only, but in the example he had quoted the man and woman had both agreed to separate, to consider their union as a temporary union, and to take advantage of the fact that the Bill was not passed. If the Bill passed in its present form they would join those two people together again. He thought that the Amendment was a very sensible one, and one which ought to be accepted.

LORD R. CECIL hoped the promoters would accept the Amendment, for real cases of hardship had been pointed out. It was quite true that whatever device they adopted, the moment they adopted the principle of retrospective legislation they were thrown into difficulties. It was quite true also that there might be a hardship caused if they said there was to be an option on the part of the parties as to whether they would come under the Bill or not. He did not think the hardships would be many, for they would only be in cases where one of the parties wanted to get rid of the tie but the other did not. There would be far more hardships if no provision such as that in the Amendment was made. He would not refer at length to it again, but earlier in the evening he had mentioned the case of a man who went through the form of marriage with three sisters. He had had no reply in regard to the question he then put, and the question had not been answered because there was no answer He quite agreed such a case would not be a common one, and that hon. Members might say it was not worth their while to consider it; but there were a large number of cases in which a man might go through the form of marriage with his deceased wife's sister, separate from her and form a connection of a perfectly irregular character with another woman. It was perfectly true that that other woman would have acted in a way which could not be approved, and had committed a grave fault, but so in his opinion had all the people who were dealt with in the Bill. The man and woman who knew that their union was not legal, but yet made that union, were committing a very wrong act indeed. In the case of the man who had gone through the form of marriage with his deceased wife's sister, however, whether the reason was good or bad, and had then formed a connection with another woman, the other woman was always hopeful that he would marry her. The Bill in its present form, however, would come along and place it out of the power of the man to do justice to her. No legislation would be effective so long as they adopted the retrospective principle. He contended that the dangers that would accrue from giving some form of option to the parties as to whether they should come under the provisions of the Bill was the lesser danger of the two. The right hon. Gentleman had talked about divorce by consent. He could not understand the position the right hon. Gentleman had taken up. Those in favour of the Bill conceived a union with a deceased wife's sister to be a complete marriage, except for a technical legal formality. He could not conceive how any hon. Gentleman could hold such an opinion. Those unions were illegal; the parties made them with their eyes open, they knew the consequences to their children, and they chose deliberately to risk those consequences. To say that those unions were really marriages except for a technical formality struck at the whole principle of morality. He was surprised at anyone holding that view.

MR. ASHLEY said he could not understand why any hon. Member should oppose the passing of the Amendment, whether he was in favour of the Bill or not. After the exceedingly clear statement of the hon. Member for St. Pancras they could see there might be cases of very great hardship. The Secretary of State for War earlier in the evening had said that the Bill was a purely permissive Bill, and that no one wished to make a man marry his deceased wife's sister. But the Bill might make him do so whether he wanted to or not. The case which had been quoted was a very apt illustration of what might happen. A man might marry his deceased wife's sister, they might fall out and live apart, but the House came along and said they should be married directly that Bill received the Royal Assent. All that they asked was that those people if they wished should be exempt from the Bill. That seemed only common justice to people who had never been legally married.

VISCOUNT HELMSLEY recognised that there might be a certain amount of weight in the arguments put forward by his right hon. friend in charge of the Bill that they were giving to one party to some sort of a contract power to break it. He thought, however, a compromise on the question might be arrived at. If the words were "unless both parties," instead of "unless either party," they would exclude the worst cases. That would mean that if both man and woman subsequently repented, their cases would be removed from the operations of the Bill. Would the right hon. Gentleman be willing to accept that? He would move that as an Amendment to the Amendment before the House.

SIR WILLIAM BULL seconded.

MR. LAURENCE HARDY said he would accept the Amendment.

SIR BRAMPTON GURDON said he could not accept the Amendment because of the cruelty to the children.

MR. LEA suggested that the difficulty might be got over by inserting the words "where there are no children."

Amendment proposed to the proposed Amendment—

"To leave out the words 'either party' and insert the words 'both parties.'"—(*Viscount Helmsley.*)

Question, "That the words proposed to be left out stand part of the proposed Amendment to the Bill," put, and agreed to.

Question put, "That those words be there inserted in the Bill."

The House divided:—Ayes, 20; Noes, 179. (Division List No. 428.)

AYES.

Ashley, W. W.
Balcarres, Lord
Bowles, G. Stewart
Bridgeman, W. Clive
Bull, Sir William James
Carlile, E. Hildred
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone, E.)
Cory, Clifford John
Craik, Sir Henry
Forster, Henry William
Helmsley, Viscount
Lea, Hugh Cecil (St. Pancras, E
MacVeagh, Jeremiah (Down, S.)
Mansfield, H. Rendall (Lincoln)
Scott, Sir S. (Marylebone, W.)
Smith, F. E. (Liverpool, Walton)
Talbot, Lord E. (Chichester)
Valentia, Viscount

TELLERS FOR THE AYES—Mr. Laurence Hardy and Mr. Rawlinson.

NOES.

Acland, Francis Dyke
Ainsworth, John Stirling
Allen, A. Acland (Christchurch)
Baker, Joseph A. (Finsbury, E.)
Baring, Godfrey (Isle of Wight)
Beauchamp, E.
Beck, A. Cecil
Berridge, T. H. D.
Bertram, Julius
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Bright, J. A.
Burnyeat, W. J. D.
Byles, William Pollard
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Chance, Frederick William
Cheetham, John Frederick
Clough, William
Cobbold, Felix Thornley
Collings, Rt. Hn. J. (Birm'gham)
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W.
Cooper, G. J.
Corbett, C. H (Sussex, E. Grinst'd
Cox, Harold
Craig, Herbert J. (Tynemouth)
Crooks, William
Crossley, William J.
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Elibank, Master of
Essex, R. W.
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Fiennes, Hon. Eustace
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gill, A. H.
Gladstone, Rt. Hn Herbert John
Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Gurdon, Rt Hn. Sir W. Brampton
Haldane, Rt. Hon. Richard B.
Hall, Frederick
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r.)
Harvey, W. E. (Derbyshire, N. E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.

Jenkins, J.
Johnson, John (Gateshead)
Jones, Sir D. Brynmor (Swansea)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Jowett, F. W.
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamont, Norman
Leese, Sir Joseph F. (Accrington)
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs)
Maclean, Donald
Macpherson, J. T.
M'Callum, John M.
M'Crae, George
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Montgomery, H. G.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Nicholson, Charles N. (Donc'st'r
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pollard, Dr.
Price, C. E. (Edinburgh, Central)
Radford, G. H.
Randles, Sir John Scurrah
Raphael, Herbert H.
Rea, Walter Russell (Scarboro'
Rendall, Athelstan
Richards, T. F. (Wolv'rh'mpt'n
Richards, Thomas (Monm'th W.
Rickett, J. Compton
Ridsdale, E. A.
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Br'df'rd
Robertson, J. M. (Tyneside)
Robinson, S.
Roe, Sir Thomas
Rogers, F. E. Newman
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott, A. H. (Ashton under Lyne
Seddon, J.
Seely, Colonel
Shackleton, David James
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sloan, Thomas Henry
Smeaton, Donald Mackenzie
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thornton, Percy M.
Ure, Alexander
Walsh, Stephen
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent)
Ward, W. Dudley (South'mpt'n
Wardle, George J.
Waring, Walter
Warner, Thomas Courtenay T.
Waterlow, D. S.
Weir, James Galloway
White, J. D. (Dumbartonshire)
White, Patrick (Meath, North)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wills, Arthur Walters
Wilson, John (Durham, Mid.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Wood, T. M'Kinnon

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.

LORD R. CECIL moved an Amendment to provide that no clergyman in Holy Orders of the Church of Ireland should be compelled to solemnise the marriage of any man with his deceased wife's sister. He said he moved this Amendment for the purpose of asking a question of the promoters. He did not know what the position was in the Disestablished Church of Ireland—whether there was any obligation upon a minister of the Church of Ireland to marry anybody. Of course in England there was an obligation on the part of a clergyman to marry people, but he was not sure what the state of the law was in Ireland. If, as he thought might well be the case, there was no obligation, then the Amendment would be unnecessary.

Amendment proposed—

"In page 1, line 12, after the word 'England' to insert the words 'or of the Church of Ireland.'"—(*Lord R. Cecil.*)

Question proposed, "That those words be there inserted."

MR. HALDANE said there could not be any obligation upon clergymen of the Church of Ireland simply because it was disestablished.

LORD R. CECIL said he thought that was so, and he therefore asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

MR. RAWLINSON moved an Amendment to provide that no clergyman of the Church of England should be compelled to allow any church or place of worship to be used for the purpose of solemnising the marriage of any man with his deceased wife's sister. They heard a great deal, he said, of conflict between civil and canon law, and it seemed only right that there should be no obligation on the part of the clergyman to allow his church to be used for the purpose of solemnising a marriage which, according to his views, was contrary to the law of the Church. It did not really affect the substance of the Bill in any way, the Bill being very careful indeed in its wording, so as not in any way to affect the religious views of the parties, if he might say so, because in Clause 1 it said that no such marriage should be deemed void or voidable as a civil contract by reason only of such affinity. The words used were "civil contract," and thus merely dealt with the fact as to whether a clergyman was bound to use his place of worship for a particular purpose.

MR. EVELYN CECIL seconded.

Amendment proposed—

"In page 1, line 13, after the word 'sister,' to insert the words 'or to allow any church or place of worship to be used for such purpose.'"—(*Mr. Rawlinson*).

Question proposed, "That those words be there inserted."

SIR BRAMPTON GURDON said the Amendment was quite unnecessary, as a clergyman could not be forced to allow his church to be used for such purpose unless words were put in to that effect. The hon. Member for Dumbartonshire had an Amendment which proposed to compel this, but he had kindly consented not to press it.

MR. ASHLEY asked whether the right hon. Baronet was quite certain that under the present law a clergyman was not compelled to lend his church for marriage services. No doubt he could not be compelled to celebrate a marriage himself, but surely under the present law he was compelled to lend his church for that purpose.

MR. F. E. SMITH said with regard to the statement of the right hon. Baronet that the hon. Member for Dumbartonshire did not intend to move his Amendment, he might say that he was not content to resign what appeared to him to be a valuable Amendment so lightly, and he would call the attention of the House to the terms of the Amendment.

*MR. SPEAKER: We must dispose of this one first.

MR. MARKHAM said he believed the right hon. Baronet had made a mistake in his statement of law, because last year he joined issue with the English Church Union and had five days in Court with them on a religious case, and from his small knowledge of ecclesiastical law it was quite clear to him that the parishioners had a right to the church, and that although the clergyman himself was not bound to officiate at a marriage, the parishioners had a right to the church. Perhaps the Secretary of State for War would give the House his opinion on the point.

SIR WILLIAM ANSON said he would like to ask the right hon. Baronet whether he was quite satisfied as to his statement of the law, and whether a parishioner could not claim to marry in his church despite the clergyman, and whether, under these circumstances, the clergyman might not be compelled to lend the use of the church although not compelled to perform the service himself.

SIR BRAMPTON GURDON: Surely a person cannot use the church without the permission of the vicar?

SIR SAMUEL SCOTT said that as this was a minor point, and as they were all anxious to get this Bill as soon as they could, he thought the right hon. Baronet might accept this Amendment.

MR. HALDANE thought the simplest course of all would be to take the Amendment which stood in the name of the hon. Member for Dumbartonshire, which did not prejudice anything, but which only said that when any minister of the Church of England refused to perform such marriage, he should permit any other clergyman of the Church of England, entitled to officiate, to perform such service.

MR RAWLINSON asked the promoters of the Bill to accept his Amendment, because on the right hon. Baronet's own showing it was not necessary, and therefore could do no harm. If they accepted the Amendment of the hon. Member for Dumbartonshire, it would be flying in the face of what a few minutes ago was the view of the promoters.

MR. BOWLES said he only wanted to understand exactly where they were. Did he understand that the right hon. Baronet's desire was that a clergyman who had any scruples about this matter should be compelled to allow his church to be used for these marriages? He could not quite understand, because the right hon. Baronet agreed only a few minutes ago that he did not desire that the clergyman should be so compelled.

LORD R. CECIL said it was exceedingly doubtful whether this Amendment was necessary, but the statement of the Secretary of State for War that he was going to advise the promoters that they should accept the Amendment of the hon. Member for Dumbartonshire raised a very serious question. The great evil of the whole of this Bill was the injury that it would inflict upon the consciences of those who disapproved these marriages. The promoters of the Bill he acknowledged had so far shown a desire to minimise that evil as much as possible, and they had shown, and rightly shown, a great desire to avoid anything in the nature of public scandal. That was absolutely of the first importance in a measure of this kind. Let them conceive what the proposal of this Amendment amounted to. Two parishioners, who, it might be, did not ordinarily go to church, desired to be married under this Bill, and the clergyman of the church in which they desired to be married had very strong objections to marriages of this description—objections in which he was supported, as might usually happen, by the great mass of his congregation. The promoters of the Bill were going to say that because these two persons were technically parishioners and might have merely taken a room for three weeks in the parish, in order to have their banns put up or licence granted, and were not parishioners in any true sense of the word, they could go to the clergyman and insist on having the marriage service performed in his church if they got a clergyman who had no conscientious scruples to perform it. One knew the kind of row that would ensue. The clergyman who was supported by his conscience would lock the door, there would be a tremendous row, and litigation through all the Courts as to whether he had the right to lock the door or not. Surely that was a most unreasonable provision to put in a Bill of this kind, and it was not what hon. Members desired. He believed that no one would wish to encourage scandals and disputes of that kind if they could be avoided. It might be that the Amendment was desirable, he thought it would be safer to put it in; but he was quite confident that the Amendment of the hon. Member for Dumbartonshire was not desirable, and it would be in the highest possible degree injurious. He would have thought after the statement of the right hon. Gentleman that he did not propose to accept it, and after the statement of the hon. Member for Dumbartonshire that he did not propose to press it——

*MR. J. D. WHITE: May I say that I made no such statement? The suggestion was made that if this Amendment were withdrawn I should withdraw my second Amendment which is to the contrary effect, but that compromise was not accepted.

LORD R. CECIL said he was only quoting what the right hon. Gentleman told the House a few minutes ago, but he must leave that to the hon. Member to determine. Whether or not the hon. Member made any statement, he (Lord R. Cecil) appealed to the House not to add to the many grievances which people felt against this Bill by accepting such an Amendment as that.

VISCOUNT HELMSLEY said he had waited in order to give the hon. Members who were in charge of the Bill and the legal officers of the Government an opportunity to reply to the speech of his noble friend. As it had not been answered he felt justified in pressing for an answer from the right hon. Gentleman in charge of the Bill, or from the Secretary for War, because he thought this most important Amendment should be accepted. He understood just now from the right hon. Baronet that the words carried out his intention, but that their insertion was unnecessary because it was already the state of the law. What had occurred in the last few minutes to change the minds of the promoters of the Bill? The Secretary for War, who probably had seen the Amendment, and had considered it in its present form for the first time that night, had said he thought the Amendment in the name of the hon. Member for Dumbartonshire ought to be accepted; but why should that expression of opinion alter the whole intentions of the promoters already expressed in the House? It was treating Members of the Opposition in a way they could hardly accept if the promoters of the Bill suddenly changed their minds and did not accept the Amendment moved by his learned friend below him.

MR. SIMON said the Amendment in the name of the hon. Member for Dumbartonshire was a clause now fifty years old on the Statute Book. It was passed amid a similar state of circumstances, when the marriage of divorced persons became possible, and a similar doubt was then made. Section 58 of the Act, which enabled divorced persons to re-marry, and which was passed in 1857, was in every word and line of it exactly the same as the Amendment in the name of the hon. Member for Dumbartonshire. The hon. Gentleman would therefore see that if in the language of that Amendment they were persons who were entitled to be married in the parish church, they should not be deprived of that right merely because the incumbent of the parish church would not marry them.

Question put.

The House divided:—Ayes, 17; Noes, 177. (Division List No. 429.)

AYES.

Anson, Sir William Reynell
Ashley, W. W.
Balcarres, Lord
Bowles, G. Stewart
Bridgeman, W. Clive
Carlile, E. Hildred
Cave, George
Cecil, Lord R. (Marylebone, E.)
Craik, Sir Henry
Forster, Henry William
Hardy, Laurence (Kent, Ashf'rd
Helmsley, Viscount
MacVeagh, Jeremiah (Down, S.
Rawlinson, John Frederick Peel
Scott, Sir S. (Marylebone, W.)
Talbot, Lord E. (Chichester)
Valentia, Viscount

TELLERS FOR THE AYES—Mr. Evelyn Cecil and Sir William Bull.

NOES.

Acland, Francis Dyke
Ainsworth, John Stirling
Allen, A. Acland (Christchurch)
Baker, Joseph A. (Finsbury, E.)
Baring, Godfrey (Isle of Wight)
Beauchamp, E.
Beck, A. Cecil
Berridge, T. H. D.
Bertram, Julius
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Bright, J. A.
Burnyeat, W. J. D.
Byles, William Pollard
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Chance, Frederick William
Clough, William
Cobbold, Felix Thornley
Collings, Rt. Hn. J (Birmingham
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W.
Cooper, G. J.
Corbett, CH (Sussex, E. Grinst'd)
Cory, Clifford John
Cox, Harold
Craig, Herbert J. (Tynemouth)
Crooks, William
Crossley, William J.
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Elibank, Master of
Essex, R. W.
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Fiennes, Hon. Eustace
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gill, A. H.
Gladstone, Rt. Hn. Herbert John
Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Gurdon, Rt Hn Sir W. Brampton
Haldane, Rt. Hon. Richard B.
Hall, Frederick
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harvey, W. E. (Derbyshire, N.E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Jones, Sir D. Brynmor (Swansea)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Jowett, F. W.
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamont, Norman
Lea, Hugh Cecil (St. Pancras, E.)
Leese, Sir Joseph F. (Accrington)
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs)
Maclean, Donald
Macpherson, J. T.
M'Callum, John M.
M'Crae, George
Maddison, Frederick
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln
Markham, Arthur Basil
Marks, G. Croydon (Launceston
Marnham, F J.
Massie, J.
Micklem, Nathaniel
Montgomery, H. G.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Newnes, F. (Notts., Bassetlaw)
Nicholls, George
Nicholson, Charles N. (Doncast'r
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pollard, Dr.
Price, C. E. (Edinburgh, Central)
Radford, G. H.
Raphael, Herbert H.
Rea, Walter Russell (Scarboro')

Rendall, Athelstan
Richards,Thomas (W.Monm'th
Richards,T. F. (Wolverh'mpt'n
Rickett, J. Compton
Ridsdale, E. A.
Robertson,SirG.Scott(Bradf'd
Robertson J. M. (Tyneside)
Robinson, S.
Rogers, F. E. Newman
Rowlands, J.
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott,A.H.(Ashton under Lyne
Seddon, J.
Seely, Colonel
Shackleton, David James
Sherwell, Arthur James
Shipman Dr. John G.
Simon, John Allsebrook
Sloan, Thomas Henry
Smith, F.E.(Liverpool,Walton)
Stanger, H. Y.
Stanley, Albert (Staffs., N.W)
Stanley,Hn.A.Lyulph (Chesh.)
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thornton, Percy M.
Ure, Alexander
Walsh, Stephen
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent)
Ward,W.Dudley (Southampton
Wardle, George J.
Waring, Walter
Warner, Thomas Courtenay T.
Waterlow, D. S.
Weir, James Galloway
White, J. D. (Dumbartonshire)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wills, Arthur Walters
Wilson, John (Durham, Mid)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Wood, T. M'Kinnon

TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease

*MR. J. D. WHITE moved to insert the words "solemnising or" after the word "for." The object of this Amendment was to secure to the clergyman liberty of conscience in both directions. The clause as it stood saved the clergyman from civil and ecclesiastical penalties for refusing to solemnise such marriages, but left him liable for solemnising them, so that the ecclesiastical authorities could bring pressure to bear to prevent such solemnising. The Amendment was designed to secure full liberty to the clergyman by exempting him from all penalties whichever course he thought right to adopt.

MR. F. E. SMITH seconded. This Amendment met exactly the position which was stated and repudiated by his noble friend behind him. He thought it must be acceptable to him because it protected the clergyman, which he understood his noble friend desired, and this was given him not by the canon law but by the civil law. Therefore it got rid of the complaint that by the civil law the marriage was legal, and yet not by the canon law.

Amendment proposed—

"In page 1, line 14, after the word 'for' to insert the words 'solemnising or.'"—(*Mr. J. D. White.*)

Question proposed, "That those words be there inserted."

LORD R. CECIL said he thoroughly disapproved of this Amendment, which appeared to him to be absolutely illegal and unjustifiable. They proposed to relieve the clergyman from the penalties for breaking the law which he was under a solemn duty to observe. He confessed it appeared to him to be not only illogical, but a great scandal as well. The progress of the Bill made it clear to him that in spite of the protests of hon. Members, this was one of the insidious attacks which were being made on the Church of England. Hon Members were not content that these marriages should be legalised. They were attempting to force the Church of England against its conscience to solemnise marriages to which the Church could not consent. It was quite plain that the object of the Amendment was to encourage a breach of the law, and it seemed to him an absolutely indefensible interference of the House with the Church of England.

MR. MARKHAM said that the noble Lord and those who acted with him represented a very small minority of the Church of England. He was as good a Churchman as the noble Lord, and when the hon. Member for Marylebone talked about a dishonest opposition, he forgot that the clergy had taken an oath to carry out the law as enacted by Parliament.

LORD R. CECIL: I have never incited any clergyman to break the law.

MR. MARKHAM: If the noble Lord says he is not a member of the English Church Union——

LORD R. CECIL: Of course I am not a member of the English Church Union.

MR. MARKHAM: said he was certainly under the impression that he was.

Question put, and agreed to.

*MR. J. D. WHITE moved to insert "Provided also that when any minister of any church or chapel of the Church of England shall refuse to perform such marriage service between any person who, but for such refusal, would be entitled to have the same service performed in such church or chapel, such minister shall permit any other clergyman in holy orders of the Church of England, entitled to officiate within the diocese in which such church or chapel is situate, to perform such marriage service in such church or chapel." He said that this Amendment, like his previous one, was taken from a similar provision in the Matrimonial Clauses Act of 1857, in relation to the re-marriage of divorced persons. He mentioned this because he considered that the House ought to allow as great liberty of conscience now as it did fifty years ago.

Amendment proposed—

"In page 1, line 15, after the word 'aforesaid,' to insert the words, 'Provided also that when any minister of any church or chapel of the Church of England shall refuse to perform such marriage service between any persons who, but for such refusal, would be entitled to have the same service performed in such church or chapel, such minister shall permit any other clergyman in holy orders in the Church of England, entitled to officiate within the diocese in which such church or chapel is situate, to perform such marriage service in such church or chapel."—(*Mr. J. D. White.*)

Question proposed, That those words be there inserted in the Bill."

LORD R. CECIL said this was an Amendment he most thoroughly objected to. It was quite true that churches did not belong to the incumbent, but it was equally true that incumbents had a right to exclude undesirable persons from the building. The incumbent could not exclude parishioners from the service, and by this Amendment they were going to make another exception to the general right of the incumbent. He believed that this particular clause had never acted in a beneficial way under any circumstances. People who had a right feeling never desired to thrust themselves into a church where their presence would be offensive; but worthless persons occasionally did so and they got the most worthless clergymen they could to assist them. They got a man such as no Member of that House would approve, and they induced him to take the service. This question had been productive already of a large amount of litigation, and had aroused a great amount of feeling. If they were going to add to that a proposal to compel a clergyman to perform a service which he would regard as profoundly wrong, he was quite confident they would introduce a very serious scandal. He thought the House was entitled to some explanation. The insertion of this clause would not do good to a single soul. No one who was entitled to the sympathy of the House would ever make use of it. He was convinced that the only object of it would be to add to the burden of men who were far more saintly than anyone in that House.

MR MARKHAM said that if the noble Lord would prevent people who had committed adultery from going to churches, he would certainly support him, but he considered it a scandal that this was permitted, and that a man who had committed adultery could be married in a church.

VISCOUNT HELMSLEY said the hon. Gentleman seemed to think there was one scandal in the Church which in his opinion ought to be remedied, and that therefore that was a reason for carrying this Amendment which was likely to draw other scandals. The argument seemed weak in its logic, and he thought it was better to put aside altogether the question of the marriage of divorced persons which did not really arise, and to consider whether this Amendment was advisable in itself. He thought hon. Members might pay rather more regard to the consciences of members of the Church of England. They were very particular about calling attention to Nonconformist consciences when they thought any measure was going to interfere with their free exercise, and he thought they ought to allow members of the Church of England the same right that they claimed for themselves. The question seemed to be whether or not they were going to infringe the consciences of the clergymen by compelling them to allow these services to take place in the churches in which they officiated, although they considered any such service was contrary to the law of the Church. If the persons wanted to be married in the church, which he personally could not understand as they were directly going against the law of the Church, surely it was not a very great hardship that they should not only find the clergyman who was willing to marry them, but also a clergyman who was willing to marry them in his church. If they could find the clergyman they could also find the church, and by so doing injustice and hardship on the conscience of those who did object would be avoided. They had a right to have their views respected in this matter. There was another rather important aspect of this question, and that was why the right hon. Gentleman had changed his mind. He had stated distinctly a short time ago that he did not intend this proviso to be inserted in the Bill. It was now to be inserted very hurriedly, and without due consideration certainly by the Government who were responsible for the Bill. Therefore he asked leave to move the adjournment of the debate so that due consideration might be given to this question.

Motion made, and Question, "That the debate be now adjourned,"—(*Viscount Helmsey,*)—put and negatived.

Original Question put:—

The House divided:—Ayes 175; Noes 17. (Division List No. 430.)

AYES.

Acland Francis Dyke
Ainsworth, John Stirling
Allen, A. Acland (Christchurch)
Baker, Joseph A. (Finsbury, E.)
Baring, Godfrey (Isle of Wight)
Beauchamp, E.
Beck, A. Cecil
Berridge, T. H. D.
Birrell, Rt. Hon. Augustine
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Bright, J. A.
Burnyeat, W. J. D.
Byles, William Pollard
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Chance, Frederick William
Cough, William
Cobbold, Felix Thornley
Collings Rt. Hn. J. (Birmingham
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W.
Cooper, G. J.
Corbett, CH. (Sussex, E. Gr'nst'd
Cry, Clifford John
Cox, Harold
Crooks, William
Crossley, William J.
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dodson, Thomas W.
Duncan, C. (Barrow-in-Furness
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Elibank, Master of
Essex, R. W.
Evans, Samuel T.
Everett, R. Lacey
Fenwick, Charles
Ferens, T. R.
Fiennes, Hon. Eustace
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gill A. H.
Glover, Thomas

Viscount Helmesley.

Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Gurdon, Rt. Hn. Sir W. Brampton
Haldane, Rt. Hon. Richard B.
Hall, Frederick
Hardy, George A. (Suffolk)
Harmsworth, Cecil B. (Worc'r)
Harvey, W. E. (Derbyshire, N. E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Jones, Sir D. Brynmor (Swansea
Jones, Leif (Appleby)
Jones, William (Carnarvonshire
Jowett, F. W.
Kekewich, Sir George
Kelley, George D.
Laidlaw, Robert
Lamont, Norman
Lea, Hugh Cecil (St. Pancras, E.
Leese, Sir Joseph F. (Accrington
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs)
Maclean, Donald
Macpherson, J. T.
M'Callum, John M.
M'Crae, George
Maddison, Frederick
Manfield, Harry (Northants)

Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Montgomery, H. G.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Nicholson, Charles N. (Doncast'r
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs. Leek)
Pollard, Dr.
Price, C. E. (Edinb'gh, Central)
Radford, G. H.
Raphael, Herbert H.
Rea, Walter Russell (Scarboro'
Rendall, Athelstan
Richards, Thomas (W. Monm'th
Richards, T. F. (Wolverh'mpt'n
Rickett, J. Compton
Ridsdale, E. A.
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Br'dford
Robertson, J. M. (Tyneside)
Robinson, S.
Rogers, F. E. Newman
Rowlands, J.
Samuel, Herbert L (Cleveland)
Samuel, S. M. (Whitechapel)
Scott, A. H. (Ashton under Lyne
Seddon, J.
Seely, Colonel
Shackleton, David James
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sloan, Thomas Henry
Smith, F. E. (Liverpool, Walton)
Stanger, N. Y.
Stanley, Albert (Staffs., N. W.)
Stanley, Hn. A. Lyulph (Chesh.)
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)

Summerbell, T.
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thornton, Percy M.
Ure, Alexander
Walsh, Stephen
Walton, Joseph (Barnsley)
Ward, John (Stoke upon Trent
Ward, W. Dudley (Southampt'n

Wardle, George J.
Waring, Walter
Warner, Thomas Courtenay T.
Waterlow, D. S.
Weir, James Galloway
White, J. D. (Dumbartonshire)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wills, Arthur Walters

Wilson, John (Durham, Mid.
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Wood, T. M'Kinnon

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Ashley, W. W.
Balcarres, Lord
Bull, Sir William James
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone, E.)
Craik, Sir Henry

Forster, Henry William
Hardy, Laurence (Kent, Ashford
Helmsley, Viscount
MacVeagh, Jeremiah (Down, S.
Rawlinson, John Frederick Peel
Scott, Sir S. (Marylebone, W.)
Talbot, Lord E. (Chichester)

Valentia, Viscount
White, Patrick (Meath North)

TELLERS FOR THE NOES—Mr. Carlile and Mr. Bridgeman.

MR. HALDANE claimed to move, "That the Question, 'That the words of the Bill to the end of Clause 1 stand part of the Bill,' be now put.

Question put, "That the Question, 'That the words of the Bill to the end of Clause 1 stand part of the Bill,' be now put."

The House divided:—Ayes 172; Noes 19. (Division List No. 431.)

AYES.

Acland, Francis Dyke
Ainsworth, John Stirling
Allen, A. Acland (Christchurch)
Baker, Joseph A. (Finsbury, E.)
Baring, Godfrey (Isle of Wight)
Beauchamp, E.
Beck, A. Cecil
Berridge, T. H. D.
Black, Arthur W.
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Bright, J. A.
Burnyeat, W. J. D.
Byles, William Pollard
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Chance, Frederick William
Clough, William
Cobbold, Felix Thornley
Collings, Rt. Hn. J. (Birmingh'm)
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W
Cooper, G. J.
Corbett, C. H (Sussex, E. Grinst'd
Cory, Clifford John
Cox, Harold
Crooks, William
Crossley, William J.
Davies, Ellis William (Eifion)
Davies, W. Howell (Bristol, S.)
Dobson, Thomas W.
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Edwards, Clement (Denbigh)
Elibank, Master of
Essex, R. W.
Evans, Samuel T.
Everett, R. Lacey

Fenwick, Charles
Ferens, T. R.
Fiennes, Hon. Eustace
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gill, A. H.
Glover, Thomas
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Gurdon, Rt. Hn. Sir W. Brampt'n
Haldane, Rt. Hon. Richard B.
Hall, Frederick
Hardy, George A. (Suffolk)
Harmsworth, R. L. (Caithn'ss-sh
Harvey, W. E. (Derbyshire, N. E.
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, E. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henry, Charles S.
Higham, John Sharp
Hobhouse, Charles E. H.
Holland, Sir William Henry
Holt, Richard Durning
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hyde, Clarendon
Idris, T. H. W.
Isaacs, Rufus Daniel
Jardine, Sir J.
Jenkins, J.
Johnson, John (Gateshead)
Jones, Sir D. Brynmor (Swansea)
Jones, Leif (Appleby)
Jones, William (Carnarvonshire)
Jowett, F. W.
Kekewich, Sir George

Kelley, George D.
Laidlaw, Robert
Lamont, Norman
Lea, Hugh Cecil (St. Pancras, E.
Leese, Sir Joseph F. (Accrington
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Macdonald, J. R. (Leicester)
Macdonald, J. M. (Falkirk B'ghs
Maclean, Donald
Macpherson, J. T.
M'Callum, John M.
M'Crae, George
Maddison, Frederick
Manfield, Harry (Northants)
Mansfield, H. Rendall (Lincoln)
Markham, Arthur Basil
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Micklem, Nathaniel
Montgomery, H. G.
Morgan, G. Hay (Cornwall)
Morrell, Philip
Newnes, F. (Notts., Bassetlaw)
Nicholls, George
Nicholson, Charles N. (D'nc'st'r)
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
Parker, James (Halifax)
Paulton, James Mellor
Pearce, Robert (Staffs., Leek)
Pollard, Dr.
Price, C. E. (Edinburgh, Central)
Radford, G. H.
Raphael, Herbert H.

Rea, Walter Russell (Scarboro')
Rendall, Athelstan
Richards, Thomas (W. Monm'th)
Richards, T. F. (Wolverh'mpt'n)
Rickett, J. Compton
Ridsdale, E. A.
Roberts, G. H. (Norwich)
Robertson, Sir G. Scott (Bradf'd)
Robertson, J. M. (Tyneside)
Robinson, S.
Rogers, F. E. Newman
Rowlands, J.
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott, A. H. (Ashton-under-Lyne
Seddon, J.
Seely, Colonel
Shackleton, David James
Sherwell, Arthur James
Shipman, Dr. John G.
Simon, John Allsebrook
Sloan, Thomas Henry
Stanger, H. Y.
Stanley, Albert (Staffs., N.W.)
Stanley, Hn. A. Lyulph (Chesh.)
Straus, B. S. (Mile End)
Strauss, E. A. (Abingdon)
Summerbell, T.
Taylor, John W. (Durham)
Taylor, Theodore C. (Radcliffe)
Thornton, Percy M.
Ure, Alexander
Walsh, Stephen
Walton, Joseph (Barnsley)
Ward, John (Stoke-upon-Trent)
Ward, W. Dudley (Southampt'n)
Wardle, George J.
Waring, Walter
Warner, Thomas Courtenay T.
Waterlow, D. S.
Weir, James Galloway
White, J. D. (Dumbartonshire)
Whitley, John Henry (Halifax)
Wiles, Thomas
Wills, Arthur Walters
Wilson, John (Durham, Mid.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. T. (Westhoughton)
Wood, T. M'Kinnon

TELLERS FOR THE AYES—Mr. Whiteley and Mr. J. A. Pease.

NOES.

Anson, Sir William Reynell
Ashley, W. W.
Balcarres, Lord
Bowles, G. Stewart
Bull, Sir William James
Carlile, E. Hildred
Cave, George
Cecil, Evelyn (Aston Manor)
Cecil, Lord R. (Marylebone, E.)
Craik, Sir Henry
Forster, Henry William
Hardy, Laurence (Kent, Ashford
MacVeagh, Jeremiah (Down, S.)
Rawlinson, John Frederick Peel
Scott, Sir S. (Marylebone, W.)
Smith, F. E. (Liverpool, Walton)
Talbot, Lord E. (Chichester)
Valentia, Viscount
White, Patrick (Meath, North)

TELLERS FOR THE NOES—Mr. Bridgeman and Viscount Helmsley.

Question, "That the words of the Bill to the end of Clause 1 stand part of the Bill," put accordingly, and agreed to.

*MR. CAVE moved an Amendment that nothing in this Act should render lawful any marriage between a man and his deceased wife's sister if he had been divorced from his wife by reason, wholly or partly, of his having committed adultery with such sister. He said this form of misconduct was happily very rare. But he did not think it would be contended that where this offence had been committed Parliament should provide that the marriage of persons who had been guilty of so gross an offence should be rendered valid by the Bill.

MR. LAURENCE HARDY seconded.

Amendment proposed—

"In page 1, line 22, at the end, to insert the words, 'Provided that nothing in this Act shall render lawful any marriage between a man and his deceased wife's sister if he has been divorced from his wife by reason, wholly or partly, of his having committed adultery with such sister.'"—(*Mr. Cave.*)

Question proposed, "That those words be there inserted in the Bill."

MR. HALDANE said that no one could feel anything but sympathy with the motives of the Amendment. The offence was a very rare one, but one must adhere to principle in this matter. It was laid down in the Divorce Act of 1857. It was there enacted that whereever there was a divorce that the marriage of divorced parties should be possible. That was the law of the land, whether it was this case or not. Fortunately such cases as were contemplated in the Amendment were very rare, and it was only on the ground that this law had existed for half a century that he said on behalf of the Government that he thought they would be wrong to accept the Amendment.

MR. RAWLINSON asked the House to consider the principle of the Amendment. He for one did not agree with the policy of the law in the Act of 1857. But this was not the time or place to discuss that, but surely in this particular instance they were altering the law of the land by this Bill. When they were altering the law of the land and making possible a marriage between intimate connections as they were in this particular case, between a man and the sister of his wife, there would be no great departure from the law of the land in saying that if he had committed adultery with this particular woman—which was very often the cause of the marriage between the man and his wife coming to an end—he should not be allowed to marry the woman. From the point of view of expediency, let them think of the temptation in the fact of the possibility of the husband marrying afterwards.

MR. SIMON said his hon. and learned friend was evidently under the impression that this proviso would make it possible for a man who had been divorced to marry a sister of his wife who divorced him while his wife was alive. He quite appreciated the reference to the Matrimonial Clauses Act of 1857. There was another Amendment later on, and when they came to it he hoped that steps would be taken to prevent its being put in the Bill, and so provide that it would be impossible for a man to treat his divorced wife as though she were dead, when she was alive. But this Amendment did not deal with that; it was an attempt to deal with an act which was abominable to the last degree on the part of a man who was not only divorced, but had committed adultery with his wife's sister. But they were not seeking to change the laws of divorce; the law was that a guilty as well as an innocent party could marry again. This Bill said that to marry a deceased wife's sister was legal, and if they were going to have a rule they ought not to make any exception, and therefore the principle which had existed for fifty years for good or evil ought not to be broken.

LORD R. CECIL said he did not attach very much importance to the Amendment, because it was designed to make the Bill more reputable than it was before. It dealt with a very rare thing. A man was divorced, having committed adultery with his wife's sister, and he married her.

*MR. CAVE said in view of the statements made on behalf of the Government he would not press the Amendment.

Amendment, by leave, withdrawn.

*MR. CAVE moved in line 24, after the word "contingent" insert the words "or presumptive." He explained that in the case of a man who had married a deceased wife's sister and had issue by her, and after her death had married another woman and had a child by her that child was the presumptive successor to his property. Unless these words were inserted, they would in that case deprive the child of his inheritance.

LORD R. CECIL seconded.

Amendment proposed—

"In page 1, line 24, after the word 'contingent,' to insert the words 'or presumptive.'"—(*Mr. Cave.*)

Question proposed, "That those words be there inserted in the Bill."

MR. HALDANE said that the case presumed an expectation. There was a presumption, for instance, that the right hon. Gentleman would some day sit on the other side of the House, but this was only a presumption. He thought the right hon. Gentleman would see that if they went beyond what was laid down, it would be acting only on presumptive evidence.

MR. CAVE asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

MR. JOSEPH PEASE (Essex, Saffron Walden) moved in Clause 2, to leave out the words "such duties" and insert the words "any duties leviable on or with reference to death." He moved the Amendment in order to bring the Bill into conformity with the Act passed last year.

Amendment agreed to.

MR. CARLILE moved to add at the end of Clause 2 "Nothing in this Act shall affect the devolution or distribution of the real or personal estate of any intestate not being a party to the marriage, who at the time of the passing of this Act shall be and shall until his death continue to be a lunatic, so found by inquisition." He said at that early hour of the morning he would not worry the Committee with details.

Amendment proposed—

"In page 2, line 8, at the end, to add the words, 'Nothing in this Act shall affect the devolution or distribution of the real or personal estate of any intestate who at the time of the passing of this Act shall be and shall until his death continue to be a lunatic, so found by inquisition.'"—(*Mr. Carlile.*)

Question proposed, "That those words be there inserted."

Amendment agreed to.

MR. RAWLINSON moved an addition at end of Clause 3 "and adultery with the wife's sister shall continue to be regarded as incestuous adultery within the meaning of Section 27 of that Act."

Amendment proposed to the Bill—

"In page 2, line 12, after '1857,' to insert the words 'and adultery with a wife's sister shall continue to be regarded as "incestuous adultery" within the meaning of Section 27 of that Act.'"—(*Mr. Rawlinson.*)

Question proposed, "That those words be there inserted in the Bill."

MR. HALDANE said that this really was quite superfluous. Clause 3 said "nothing in this Act shall remove the wife's sister from the provisions of the Matrimonial Causes Act of 1857."

Amendment, by leave, withdrawn.

MR. EVELYN CECIL moved the addition at the end of Clause 3 of the subsection "Notwithstanding anything contained in this Act or the Divorce Act 1857, it shall not be lawful for a man to marry the sister of his divorced wife during the lifetime of such wife."

SIR BRAMPTON GURDON accepted the Amendment.

Amendment, by leave, agreed to.

MR. RAWLINSON moved to add at the end of line 2, "or his wife by whom he has been divorced."

Amendment agreed to.

Motion made, and Question proposed, "That the Bill be now read a third time."

MR. LAURENCE HARDY thought that at that hour of the morning to be asked to pass a controversial Bill like that was going beyond anything which the Government had so far inflicted upon them. They had again the fact that the Law Officers of the Crown were absent, although it was a strictly technical Bill. They had the fact that the promoters of the Bill had refused every suggestion from the Opposition side. In the material part of the Bill and after the promoter of the Bill had said he had arranged that an Amendment which was prejudicial to the Bill should not be accepted, that Amendment had been accepted. Now the promoters wished to read the Bill a third time. He made a respectful protest against that. He did not think he would advise his friends to divide, however, because he thought they might now very well allow the unfortunate people who had been kept there, the officials of the House and others, to go away. At any rate, no one could say that the debate had been carried on with any obstruction. There had been no long discussion on any Amendment. When the closure was asked for, it was refused by the Chair until the last occasion. Each Motion for adjournment was due to the fact that there was an absence of Law Officers or because the promoters of the Bill had changed their minds without giving an explanation. In these circumstances he thought they were perfectly justified in making a protest against the Third Reading, though he did not think they would be justified at that hour of the morning in prolonging the debate.

LORD R. CECIL said he believed the Bill to be a thoroughly bad Bill, and it appeared to have been carried by a majority who were for the most part quite indifferent to the protests that were made against it, and who displayed an animus against the Church of England which was thinly veiled by the protests which the House was accustomed to hear when any such attack was delivered. The Bill would not make for the morality or peace of the country. He believed it to be a bad Bill, and to have been carried by methods and manœuvres not creditable to the House. Holding these opinions he would not be discharging his duty if he did not express them to the House as he did now, though he agreed there was no purpose in putting the House to the trouble of a further division. The opponents of the Bill were in a very small minority, and they had registered such a protest as they had been able to make. All that they were concerned in now was to say publicly to the House that the responsibility for the Bill was on the shoulders of the majority.

Bill read the third time and passed.

ADJOURNMENT.

Motion made, and Question, "That this House do now adjourn."—*Mr. Whiteley.* —put, and agreed to.

Adjourned at four minutes after Six o'clock a.m.

HOUSE OF LORDS.

Thursday, 15*th August*, 1907.

The LORD CHANCELLOR informed the House that he had received from the Judge of the Bankruptcy Court in Ireland a certificate that the Earl of Clancarty, who sits in this House as Viscount Clancarty, was adjudicated a bankrupt on the 24th June, 1907.

PRIVATE BILL BUSINESS.

London County Council (General Powers) Bill. The consent of His Royal Highness the Prince of Wales, signified; and Bill reported from the Select Committee, with Amendments.

Barry Railway Bill. Read 3ª, with the Amendments; and passed, and returned to the Commons.

Metropolitan Water Board (Various Powers) Bill. The King's consent signified; Bill read 3ª; Amendments made; Bill passed, and returned to the Commons.

Colne Valley Water Bill [H.L.]; Glasgow Corporation Bill [H.L.]. Returned from the Commons agreed to, with Amendments: The said Amendments considered, and agreed to.

Kilmarnock Corporation Water Order Confirmation Bill. Brought from the Commons. Read 1ª; to be printed; and (pursuant to the Private Legislation Procedure (Scotland) Act, 1899) deemed to have been read 2ª (The Lord Hamilton of Dalzell), and reported from the Committee. (No. 178.)

An Asterisk (*) at the commencement of a Speech indicates revision by the Member.

RETURNS, REPORTS, ETC.

FISHERIES (IRELAND).

Report of the Department of Agriculture and Technical Instruction for Ireland on the sea and inland fisheries of Ireland for 1906. Part I. General Report.

COMMERCIAL, No. 9 (1907).

Despatch by Lieutenant-Colonel Sir Henry Trotter reporting upon the operations of the European Commission of the Danube during the years 1894-1906, together with a *resumé* of its previous history; (with plan), (with reference to "Commercial, No. 6 (1894)").

Presented (by Command), and ordered to lie on the Table.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

Brought from the Commons. Read 1ª; to be printed; and to be read 2ª on Tuesday next.—(*The Lord Tweedmouth.*) (No. 177.)

THE DUKE OF NORTHUMBERLAND: Can the noble Lord tell us when the Second Reading will be taken?

LORD DENMAN: I am not in a position to answer that question. It is not a Government Bill, I understand.

THE DUKE OF NORTHUMBERLAND: The Bill was starred by the Government in the other House.

LORD DENMAN: I understand it is not to be looked after by the Government in this House. But I think we shall be able to let the noble Duke know beforehand on what day the Second Reading will be taken.

THE DUKE OF NORTHUMBERLAND: Am I to understand that His Majesty's Government intend to give no facilities for the passing of this Bill? I am informed that it was starred in the other House and taken as a Government measure.

THE LORD PRIVY SEAL (The Marquess of RIPON): The Bill has only this moment come up to the House, and I do not yet know what course may be taken or who will have charge of the Bill. I can only say that the Government will give every facility for the passing of the Bill.

THE MARQUESS OF SALISBURY: Will the noble Marquess be able to give us the information in the course of the evening?

THE MARQUESS OF RIPON: Yes.

EVICTED TENANTS (IRELAND) BILL.

Amendments reported (according to order.

Drafting Amendment in Clause 1 agreed to.

THE EARL OF MAYO moved an Amendment to limit the evicted tenants to be reinstated to those whom the Commissioners should approve "before 1st November, 1907." The reasons for this he had stated in Committee. He was aware that the number of tenants to be dealt with had been limited to 2,000, but he thought it would considerably help the Commissioners in settling this matter if the Amendment were adopted. He was quite ready to put the date further back, and if the noble Earl the Lord President would accept 31st December, 1907, he would substitute that date for the date in the Amendment. They desired to see some finality in the matter, and the longer the operations under this Bill were extended the greater would be the drag on the working of the Act of 1903, as a great many of the officials who ought to be dealing with that Act would be engaged in transactions connected with the restoration of the evicted tenants. He hoped the noble Earl in charge of the Bill would accept some such limit as that proposed.

Amendment moved—

> "In page 2, line 4, to leave out the word 'considered,' and to insert the words 'have prior to the first day of November one thousand nine hundred and seven determined.'"—(*The Earl of Mayo.*)

*THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): I hope noble Lords opposite will not press this Amendment. The noble Lord at a later part of the Bill has put an Amendment on the Paper limiting the time during which the Act should be in operation. We are not prepared to accept that Amendment as he has moved it, but we are prepared to set a limit to the operation of the Bill. Noble Lords have already inserted in the Bill a limit of numbers, and I should have thought that this would show that the duration of the Bill could only be for a limited time. The House may remember that when this matter was raised before, I pointed out that in the opinion of the Estates Commissioners, they could not be absolutely certain, if this particular kind of limitation to individuals was inserted in the Bill, that there might not be a few hard cases with which they might not be able to deal in a given time. That is a state of things which they naturally do not contemplete with pleasure. I really think the limitation already inserted by the Committee, and the further limitation to which we are prepared to agree as regards the operation of the Bill, are a sufficient guarantee that the matter will be dealt with without delay. I hope, therefore, that the noble Lord will not press the Amendment. I fully recognise the desire he has shown to meet us by putting the date somewhat further back, but, in spite of this, for which I thank him, I trust he will not press the Amendment.

LORD BARRYMORE expressed his regret that the noble Earl was unable to accept the Amendment. This Bill had been brought in to settle, and to settle quickly, what was supposed to be a burning question. Surely it was in the interest of the Government, of the Commissioners, and of everybody concerned to get the matter settled as quickly as possible. The Chief Secretary in another place said on the Third Reading that the Government had ascertained the dimensions of the problem and knew the acreage that would be required, and the only question was whether they ought to apply compulsion. He hoped the noble Earl would reconsider the matter.

*THE MARQUESS OF LANSDOWNE: I only wish to say that I take note of the Lord President's suggestion that we should rely upon the limit of numbers which has already been inserted in Clause 2. I interpret the noble Earl's words as an indication that we may look to the support of His Majesty's Government for the retention of that particular limit.

*THE EARL OF CREWE: Perhaps I ought to explain. I expressed a preference, as the noble Marquess will remember, for a limit of area. The Committee, however, had an equally strong preference, on which they pronounced by vote, for a limit of numbers. I do not anticipate that there will be any difficulty in arriving at an agreement on that matter. I personally still think that a limit of numbers is a somewhat dangerous one, but it certainly is not a matter upon which His Majesty's Government would insist beyond a certain point.

Amendment, by leave, withdrawn.

THE EARL OF DONOUGHMORE had an Amendment on the Paper to amend Subsection (3) of Clause 1, by inserting after the words—

"No tenanted land shall be acquired compulsorily unless it is in the occupation of a new tenant to whom this Act applies, and unless the Estates Commissioners, having regard to all the circumstances of the case, holding, and district"—

the words—

"other than any boycotting or intimidation directed against the owner or occupier of such land, and which has not been caused by reprehensible conduct on his part subsequent, in the case of the owner, to the last eviction of such land, or in the case of a new tenant, subsequent to the commencement of his tenancy."

He explained that he did not propose to move this Amendment as the drafting was not considered quite satisfactory. His next Amendment, however, adopted the words used in Committee by the noble Earl the Lord President, and he hoped the Government would see their way to accept it. The object of the Amendment was to substitute for the words "the cost involved" the words "the cost of acquiring the land, including the cost of compensating the tenant thereof (if any)."

Amendment moved—

"In page 2, line 16, to leave out the word 'involved' and to insert the words 'of acquiring the land, including the cost of compensating the tenant thereof (if any).'"—(*The Earl of Donoughmore.*)

LORD DENMAN said the Government had given no pledge as to the words. They merely explained the effect of the word "involved." The Government were unable to accept the words which the noble Earl desired to insert, chiefly because of an insuperable objection to the drafting. It was inaccurate to describe the cost of "acquiring" the land as including the cost of compensating the tenant.

THE EARL OF DONOUGHMORE said he withdrew his Amendment on the former occasion on the understanding that the Government appreciated their objection to the word "involved." The word "involved" could cover the cost of police protection.

LORD DENMAN: No.

*THE EARL OF DONOUGHMORE said he was advised by the best legal minds in Ireland that it could.

*THE EARL OF CREWE: The question is purely one of interpretation. We are advised that the words "the cost involved" can only include three things—the cost of purchasing the land, of compensating the new tenant who goes out, and of equipping the holding for the tenant who succeeds. Therefore we consider the word "involved" sufficient.

On Question, Amendment negatived.

*LORD EVERSLEY moved to modify the proviso inserted in Clause 1 in Committee, on the motion of Lord Robertson, that planters who had purchased under the Act of 1903 or were *bona fide* tenants cultivating their lands as ordinary farmers should not be compulsorily disturbed, by inserting the limiting words, "except under special circumstances and with the consent of the Lord-Lieutenant." The object of his Amendment was, he said, to insert the compromise which the noble Earl the Lord President proposed in Committee on the Amendment moved by Lord Robertson. The noble Earl admitted that as a general rule a man who had been in occupation as a *bona fide* tenant, cultivating the farm in a proper way, should not be subject to compulsory removal; but at the same time he stated that there were exceptional cases where, in the interests of the peace of the district, it might be necessary to remove the planters with a view to reinstating the evicted tenants. Lord Robertson and other speakers on that side of the House had somewhat exaggerated the character and the motives of the planters. He had said that the planters were induced by public spirit to take up holdings on the Plan of Campaign estates, that they had answered the appeal made by the Government, and that they were a meritorious and well-to do class.

*LORD ROBERTSON said the latter part of the sentence was accurate, but the rest was imagination.

*LORD EVERSLEY said he did not think he had unfairly stated the general effect of what was said by speakers in the debate on Lord Robertson's Amendment. He did not mean to attribute this entirely to the noble Lord. But there was another view of these men. It was said that these were men of no substance, who were tempted to take farms on the Campaign estates not for public motives, but for purposes of gain. Very large offers were made to them to induce them to do so. Their rents were to be much less than those of the tenants who had been evicted. They were given, as a gift, the tenant-right in their holding, which was often equal to the value of the landlord's interest, and they received considerable sums from the Derelict Farms Association for the purpose of stocking their holdings. Many of these planters were not genuine farmers at all; they were nondescripts of various kinds. He spoke from experience, because he visited, many years ago, two of the Campaign estates in the possession of planters and inquired into their condition. He interviewed many of the planters, one of whom was in occupation of no fewer than 20 farms.

LORD ASHBOURNE; What estates is the noble Lord referring to?

*LORD EVERSLEY: The Clongorey estate was one.

*THE EARL OF CREWE: You mean the Coolgreany estate.

*LORD EVERSLEY: The other was the Massereene estate.

LORD ASHBOURNE: But they are both settled and quitted, and the tenants restored.

*LORD EVERSLEY, continuing, said that one planter whom he intervened occupied no fewer than twenty of the evicted farms, the extent of which was 900 acres and the rent £370 a year, which was 30 per cent.

LORD ASHBOURNE was sorry to interrupt the noble Lord, but this was no part of the Bill. These two estates had been settled and the evicted tenants restored a long time ago.

*LORD EVERSLEY said he was merely taking this as an illustration of what the planters generally were. His impression, on visiting the estates, was that the planters as a rule were not substantial people. It was true that arrangements had been come to between the owners and the Estates Commissioners, and that the tenants on the greater number of these estates had been reinstated; but there remained two Plan of Campaign estates in respect of which no arrangement had been made—the Lewis and the Clanricarde estates. He understood that there were thirty-five tenants evicted from the Lewis estate, the owner of which had since leased the whole of the estate to her two sons, who were now in possession and carrying on the farms in a *bona fide* way. If the Bill had passed in its original form the only difficulty, in effecting an arrangement between the Estates Commissioners and the owner, which had been that of price would be removed. The owner and her sons were quite ready to sell and to make way for the evicted tenants, but the price they asked was excessive, and the Estate Commissioners had not thought it right to agree to it. If the Bill had passed in its original form the evicted tenants could have been reinstated on the payment of a reasonable price under compulsory purchase instead of the excessive price asked. But under the clause as it had been amended it would not be possible to deal otherwise than by agreement with the two tenants. They would have a veto on the transaction just as they now had, and therefore the Bill would have no effect in that case. He thought their Lordships would be of opinion that if these thirty-five tenants were to be reinstated, it was better that they should be reinstated upon the estate in which their former holdings were comprised rather than upon other land purchased compulsorily from some other landlord. The Clanricarde estate was of a similar type with this difference, that the owner in that case had never been willing to sell to the Estates Commissioners. He did not wish to enter into any of the circumstances affecting that estate. He did not think it would be desirable to do so, but he thought most people would agree that it would have been better for the peace of the district and for the whole of Ireland if that estate had been expropriated twenty-five years ago;

and no doubt if this Bill should pass in its original form it would be expropriated. On the Clanricarde estate there were 125 evicted tenants, whose places were taken by thirty-five planters, making one planter to every four farms. But there were many planters on the estate who had in their occupation eight or ten farms from which the tenants had been evicted, and the same difficulty might occur there as in the case of the Lewis estate—namely, that the tenants who were in possession might refuse their consent to sell, and under the clause as it now stood it would not be possible to apply compulsion to them, because he believed that in all cases it was admitted that the planters were now occupying the farms and cultivating them in the manner contemplated in Lord Robertson's Amendment. He thought their Lordships would also agree that in that case it was desirable that the tenants should be reinstated on the estate where they had their former holdings. There were something like 1,800 other cases of evicted tenants not connected with Campaign estates which would come within the purview of the Bill, and it was in respect of those cases that his noble friend had said there might, and probably would, be some exceptional cases in which it might be desirable to apply compulsion.

By way of illustration he would quote a case which came under his own observation. A tenant was evicted from a farm—not on a Campaign estate—under circumstances which the people of the district considered to be harsh and unjustifiable. A meeting of the local branch of the Land League was held, and a neighbouring farmer, who, he believed, had a holding next to the one in question, moved that the farm should be boycotted and that any tenant taking the farm should be subject to the boycott. Not long after it was rumoured that this very man had gone behind the backs of his fellow farmers and taken a lease of the farm. He was summoned before the Land League and questioned, but he strongly denied the report. Later it was found that it was actually the case that he had taken a lease from the owner at a low rent in consideration of the farm being boycotted. Thereupon he was ejected from the League and himself subjected to the boycott as a planter, a sneak, and a liar. This man, finding that he was boycotted, came to terms with the police, and went about accompanied by the police to various shopkeepers in the adjoining town, and when refused supplies he prosecuted these men and got them sentenced to imprisonment for conspiracy to boycott. He need hardly say that a case of this kind caused considerable odium in the district. That man was for many years boycotted and was the cause of much disturbance. That was the kind of case which might have occurred in other parts of Ireland. There were cases where men had been boycotted in respect of evicted farms for no less than twenty years, and it was desirable, in the interests of the district, that there should be a compulsory withdrawal of these men and that the tenants should be reinstated. The object of the Amendment was to enable the Estates Commissioners, with the consent of the Lord-Lieutenant, to apply compulsion in these very exceptional cases, but it would leave intact the provision that, as a general principle, if the planter were cultivating his land in a proper and reasonable way he should be left in possession. Their Lordships had gone a long way in admitting the principle of compulsion. They had admitted it in the case of the landlord, and it did not seem to him a very great step to extend it in some of these exceptional cases to tenancies.

Amendment moved—

"In page 2, line 23, to insert, after the word 'manner,' the words 'except under special circumstances and with the consent of the Lord-Lieutenant.'"—(*Lord Eversley.*)

*Lord CLONBROCK, referring to the Lewis estate, said that when the Mathew Commission was sitting, it was stated in the evidence that there were forty-six evicted tenants. Twelve were reinstated voluntarily before the Report of that Commission was issued, and twelve more had been reinstated since then, leaving twenty-two. Yet now it was announced that there were thirty-five of them to be restored. That showed the extraordinary way in which evicted tenants grew in number as time went on. So far from the sum asked for being exorbitant, the offer of the Estates Commissioners to Mrs. Lewis for the two farms held by her sons, which they refused to increase, amounted only to eighteen and-a-half years purchase on the rent, entirely leaving out the occupation interest; and eighteen and-a-half years purchase was three years less than the average years purchase of first term rents in the county of Galway. It could not be said that declining to accept such an offer was holding out for exorbitant terms. He could not speak of the Clanricarde property from personal knowledge, but he understood that the planters had worked their farms well and laid out money on them

LORD ROBERTSON hoped their Lordships would not be diverted by any of Lord Eversley's anecdotes from the terms of the Amendment, which would really do away with the whole effect of what they had already decided. The second of its remarkable qualifications was the more interesting from the events of the last few days. The consent of the Lord-Lieutenant was required—he presumed when the Lord-Lieutenant was not occupied with his Parliamentary duties. He could not suppose that even the most credulous would regard that as a very efficient protection. He would like to pay a tribute to his old Parliamentary colleague in the House of Commons, Lord Eversley; the generous sentiments that prevailed in that other place enabled him to say that there was no more diligent and successful discoverer of mares' nests.

*THE MARQUESS OF LANSDOWNE: My Lords, I earnestly hope that the House will not accept this Amendment. The noble Lord who moved it seemed to me to be under a slight misapprehension with regard to the manner in which compulsion can be applied under this Bill. He said, "You apply compulsion to the landowner, and why not also apply it to the tenant?" The Bill as it now stands does admit of compulsion being applied to the tenant. What we on this side say is that to the tenants coming within the particular category of *bona fide* tenants cultivating their farms in a proper manner compulsion should not be applied. That protection Lord Eversley desires to modify, but if the noble Lord is correct in his view of the character and antecedents of the planters to whom he has alluded, very few of them are likely to receive the protection which the Bill promises. The noble Lord has described them as men of no resource, nondescripts, people who had taken up cheap land for sordid reasons, and he applied that description to the planter generally, basing his statement upon personal experience derived from one of those voyages of discovery which the special commissioner and the amateur detective are so fond of making in Ireland, sometimes to discover those interesting objects which Lord Robertson has referred to. That description of the planter as a class is, I venture to say, a most unjust one. I do not say these men took their farms from motives of pure patriotism, but as a class they are industrious men desiring to pursue an honourable vocation. They took land which other tenants had thrown up, at a rent which other tenants had refused to pay, they cultivated the land, many of them with great success, and I am happy to say that many of them are established safely and beyond the reach of this Bill, having acquired their farms under the Act of 1903. But there are some who are not yet in that position, and to these we desire that this moderate measure of protection should be given.

*THE EARL OF CREWE: My Lords, I need hardly say that I shall support the Amendment of my noble friend, because it is couched in precisely the terms which I suggested in Committee. My noble friend gave certain instances, which seemed to me of an extremely conclusive character, of what would probably be the result if this Amendment is not carried. Noble Lords opposite, I think, were quite right from their point of view in making no allusion to the particular instances named by my noble friend, because they would have found it exceedingly difficult, if they had attempted to examine them, to sustain the line of argument which they have adopted. What did my noble friend say? He alluded in the first instance to certain estates where, owing to the good sense of all the parties, matters have been amicably settled. But it is perfectly evident that as the Bill stands, without the words which my noble friend proposes to insert, no means would exist of settling the dispute by means of this Bill. It is to meet cases where all the parties do not show good sense in settling disputes that the Amendment is devised. It appears to me to be quite conclusive that there are a considerable number of cases which ought to be dealt with under this Bill, but which cannot be touched if the Bill remains as it is. I may say perhaps, in passing, that the phrase suggested, I think, by Lord Lansdowne does not seem to be the most fortunate that could have been used. If he had stated "according to the ordinary rules of good husbandry," or something of that kind, the term would have been more preferable than the rather remarkable adjective, new to me, which is found in the Bill. But that is a mere drafting criticism. What we do say is that it will be impossible for the Estates Commissioners to deal with the most difficult cases if the Bill stands as it is. My noble friend mentioned cases in which a whole number of evicted farms had been handed over to one imported planter. He might, and very probably would, come under the description "*bona-fide* tenant"; but if this question is to be settled, and we all agree it is to be settled, something must be done to meet the cases of those particular evicted tenants, and it will not be done unless the provision in the Bill is thus amended.

*VISCOUNT MIDLETON asked, in reference to the remarks made by Lord Eversley, whether it would not be a negation of everything the Government proposed to do in other cases, if the evicted tenants on the Clanricarde estate were returned to their former holdings. He only knew of the case from public sources, but he understood that there were 160 evicted tenants, and the land they occupied was now held by forty-five tenants, the uneconomic holdings having been enlarged into economic holdings, and all the old landmarks having been obliterated. Was it conceivable that, because the Clanricarde estate had been before the public mind, it would be wise to remove those forty-five men who had been farming successfully, and put others in their place? When there was a Congested Districts Board working in one direction amalgamating holdings, were these men to be put out of their economic holdings because those who had been evicted wished to be put back in their old holdings? In citing this as an instance where it was necessary to go out of the ordinary course, the case for the protection of the planter had been made even stronger than it was before the noble Earl spoke.

On Question, "That those words be there inserted," their Lordships divided:—Contents, 28; Not-Contents, 126.

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Waleran, L.
Wemyss, L. (*E. Wemyss.*)

LORD ATKINSON moved his alternative Amendment to Clause 2 sketched at a former sitting. The three objections that had been made to his previous Amendment were (1) that a Judge of Assize or a Judge of the King's Bench Division was not a good tribunal to decide upon such a question as the necessity of using compulsory powers; (2) that the decision of that question came at the end of the business instead of at the beginning, and that if the Judge ultimately decided that there was no case for the exercise of compulsory powers, the costs incurred, and the various proceedings taken would have been rendered useless; and (3) that such an appeal would interpose delay. He had endeavoured by this Amendment to meet those three objections. The Lord-Lieutenant in Council came in at the beginning of the procedure, and it would be necessary for the Estates Commissioners, before they put in force their compulsory powers, to get the consent of the Lord-Lieutenant. The Estates Commissioners would then be in the same position as every municipality in the three Kingdoms. He had made the Housing of the Working Classes Act of 1890 his model. The Amendment, if accepted, would bring the Bill into harmony with other legislation affecting cases where compulsory powers were given.

Amendment moved—

"In page 2, line 25, after the word 'Act to insert the following new subsections:—(1) The Estates Commissioners shall frame a scheme or schemes, setting forth the lands proposed to be taken, and the purposes for which the same are required. (2) More estates or tracts of land than one may be included in any such scheme or schemes in any case where the estates or tracts of land are subject to the same or similar considerations, or where it is apprehended that the proposals of the Estates Commissioners are or may be open to the same or similar objections, provided that the questions likely to be involved are such as may be conveniently dealt with on one application. (3) Advertisements shall be published, and notices given in the manner and upon the persons mentioned in the seventh section of the Housing of the Working Classes Act, 1890. (4) Upon compliance with the foregoing provisions with respect to the publication of advertisements and the service of notices, the Estates Commissioners shall present to the Lord-Lieutenant in Council, a petition praying that an order may be made confirming the said scheme or schemes. (5) On the hearing of the said petition any person whose lands are proposed to be taken compulsorily may appear at the hearing of such petition, and give evidence upon the question whether lands reasonably adequate for carrying out the said scheme or schemes in whole or in part may not be obtained by agreement on reasonable terms, and whether it is reasonable and proper that the lands mentioned in the scheme or schemes, or any of of them, should be compulsorily acquired for the purposes of the same. (6) The Lord-Lieutenant may make an order declaring the limits of the area to be comprised in the said scheme or schemes, and authorising the same to be carried into execution. (7) Such order may be made either absolute, or with such conditions and modifications as he may think fit, so that no addition be made to the lands proposed to be taken compulsorily. (8) The order so made shall be valid without being confirmed by Parliament, and shall, without prejudice in other respects to the provisions contained in the eighth subsection of this section, be deemed and taken to have finally and conclusively determined that the Estates Commissioners are unable to obtain by agreement, on reasonable terms, land for the purpose of the scheme or schemes as confirmed, and that lands may be acquired compulsorily for the purposes of the same. (9) The Lord-Lieutenant may make such order as he thinks fit in favour of any person whose lands were proposed to be taken compulsorily for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing such scheme. (10) Rules may be framed by the Lord-Lieutenant in Council for the purpose of carrying into effect the provisions of this section, in order to carry the said scheme or schemes into effect.' "—(*Lord Atkinson.*)

*THE EARL OF CREWE: My Lords, the noble Lord's proposition is one of very great importance, and he has explained how he has come to make it. In addition to the intrinsic importance of the proposals contained in the Amendment, I am informed that if the House adopts it, it will have the distinction of having created the longest section to be found in any Act of Parliament. The House will remember that the noble and learned Lord threw out the possibility of proceeding by way of scheme where it was proposed that the Estates Commissioners should acquire land by compulsion. I quite admit the attraction of that idea, and it has received the most careful consideration of the Government with every wish to meet, if possible, the desires of the noble and learned Lord But this method of proceeding by scheme cannot be considered alone. It has to be considered in connection with the subsequent proceedings provided by the Amendment moved by the noble and learned Lord in Committee; and the effect of the two Amendments must be regarded jointly.

Now, what would actually occur if the two Amendments of the noble and learned Lord were added to the Bill? The proposal is that a scheme should be framed by the Estates Commissioners, with a number of advertisements and notices, and on the publication of the scheme it would be open to any person involved to petition the Lord-Lieutenant in Council, and the whole scheme would be argued on the hearing of the petition at considerable length and in the manner in which a proposition under the Lands Clauses Act is heard before a Parliamentary Committee. All the *pros* and *cons* would be gone into, including, apparently, the question whether it was possible for the Estates Commissioners to obtain suitable land in any other place. That would be a long transaction, in some cases it might be a very long transaction, and it might, of course, happen that at the conclusion of the proceedings it was decided that a certain piece of land might be taken compulsorily. Then would follow further negotiations as to the price to be paid for it. That becomes a subject of a second appeal to a Judge, with a possibility of having to hear a great many of the same witnesses over again at a different place, and involving a second long transaction.

I ask, is that a really possible plan of proceeding? I quite admit that if it had been found possible to include the whole transaction in a scheme, including the decision as to what the proper value of the land ought to be, there might much to be said for it. But that is obviously impossible, because it is quite clear that the Lord-Lieutenant in Council is not the authority by whom a question of value of that kind ought to be decided. I repeat that there is a distinct attraction in making all these questions a matter of preliminary dealing rather than of subsequent dealing, but if there are to be two entirely separate appeals, as the noble and learned Lord proposes, I fear that the whole operation of the Act would be so terribly interfered with and hampered that it would become a serious question whether the Act was worth having at all. So that it really comes to this, that if you are of opinion that these extremely elaborate safeguards are needed for all the compulsory transactions under this Bill you cannot have the Bill at all. It is not worth it. As I have pointed out, a very considerable number of transactions no doubt can take place in the course of years by agreement, and if you are not convinced that the matter is urgent and will not take our word for that, it is useless to attempt to deal with these transactions by the long and complicated procedure which the noble and learned Lord has proposed.

Is it absolutely the case that there are no means of arriving at a fair safeguard for those who are thus expropriated in some other and less cumbersome way? I said on a former stage of the Bill something as to the Government's view of what would be reasonable in the way of appeal. I have not put anything down on the Paper, because the adoption by the House of the noble and learned Lord's first series of Amendments seemed to me to make that undesirable. The character of the Bill has been so much altered by the Amendments made at the instance of the noble and learned Lord, that it seems to me really better that these further Amendments should be inserted so that his whole scheme may be submitted to Parliament altogether. Consequently I have not put any Amendment on the Paper, but, as I think it would not be fair to allow the Bill to leave the House without telling your Lordships something more about the sort of appeal that we do propose, I will very briefly state what kind of appeal in our opinion would be a reasonable one and act as a full protection to those whose land may be taken.

We agreed, by the original Bill, to an appeal on questions of law, and, in the course of debate, we agreed to give an appeal on questions of value, but there are certain other matters which are not probably questions of value upon which we think noble Lords opposite might very properly be met. Those are the questions coming under Clause 7. We are prepared to give a full appeal in any question arising under that clause. With regard to the earlier part of Clause 7, the question whether any land acquired compulsorily under the Act is or forms part of any demesne, home farm, town park, garden, pleasure ground, or ground suitable for building sites, and so on, is a question of law. On the other hand, the questions in the latter part of the clause, whether the untenanted land forms part of any home farm or land immediately adjoining and customarily occupied with the owner's residence, and whether the land has been selected with due regard to the general situation and convenience of the owner's property, so as to diminish the value thereof as little as possible—those questions could not properly be taken as questions of law; and therefore unless we provide specially for them there would be no appeal.

We desire to give a full appeal on all these matters, and if your Lordships will consider the matter you will see that the scope of the words in the clause is really very wide, and may include, for instance, some questions of sporting rights, which was mentioned by Lord Inchiquin. Apart from the Amendments which your Lordships have inserted, I should have been prepared to maintain that such a matter as that would be subject to appeal on the point that the value of the property might be diminished as little as possible. So also with the series of questions raised by Lord Clonbrock. We believe that the very wide terms of the latter part of Clause 7 would cover practically any kind of unreasonable dealing with land, supposing the Estates Commissioners to contemplate any such thing. It would also, even if you acquit the Estates Commissioners of any desire to act unreasonably, as I am sure your Lordships wish to do, prevent the possibility of their making a mistake by acting in a hurry. We believe that if your Lordships will carefully look at the latter part of Section 7 you will see that a complete appeal on that series of questions will really do all that is demanded by the equities of the case. I quite recognise the great care which the noble and learned Lord has given to the consideration of this question. We are certainly grateful to him for the attempt he has made to solve the problem; but, holding as we do that the procedure would be impossibly long and complicated if we accepted his proposition, we ask your Lordships very carefully to consider whether you will not ultimately be able to agree to the appeal of which I have sketched the outline—namely, an appeal which, we hope, will safeguard the landlord against any possible danger.

LORD MUSKERRY: To whom is the appeal to be?

*THE EARL OF CREWE: I am not in a position to give any details at the moment, but I can assure the noble Lord that it will be a full and satisfactory appeal.

LORD MUSKERRY: Not an appeal to the Commissioners themselves, I hope.

LORD ASHBOURNE said the statement of the Lord President was interesting and satisfactory in so far as it admitted to appeal matters arising on Clause 7. This question of appeal was one of two main points challenged, the other having reference to new tenants. The appeal was necessary to provide against errors of judgment and not necessarily *mala fides* on the part of the Commissioners. Sporting rights should include fisheries. He did not think the Amendment of his noble friend Lord Inchiquin received adequate recognition from the noble Earl the Lord President at the time it was presented. Under the law the term "sporting rights" included fisheries, and it was possible that the Estates Commissioners might take compulsorily land which abutted on a river. The right of the owner in such a case should be fully safeguarded, and he was glad that the noble Earl indicated that on these points there would be an appeal. The nature of the Appellate Tribunal was left open. It must, however, be understood by the Government that on the Opposition side it was expected to be a judicial appeal, an appeal to a Court composed of independent legal minds. But it was not enough to meet the wants and wishes of the landowners. The new tenants must also be safeguarded. The House of Lords would be deserving of the harshest measure of vituperation that was ever uttered against them if they were satisfied with Amendments in their own favour and left the new tenants, poor men who could not protect themselves, out in the cold. It was a monstrous thing that power should be given in an Evicted Tenants Bill to evict other tenants who might have been in possession of their farms, rearing families and paying their way, for twenty-five years. Were they to be expropriated under the Bill without check, warning, or appeal? The Government were determined that, whatever they did for the owners, they would do as little as they could for the new tenants, because the meaning of Lord Eversley's Amendment was to kill Lord Robertson's Amendment. If that was not its intention it certainly was its direct effect. The words "special circumstances" might mean anything, and the words "in the opinion of the Lord-Lieutenant" gave no security, for the Lord-Lieutenant, on being appealed to, would probably direct his private secretary to communicate with the Estates Commissioners, and ask what on earth he was to say on the subject. Was it intended to do anything to safeguard the position of these men? He thought it right to say that his own view was that they were covered by Lord Atkinson's Amendment, and as aggrieved Parties they would have the right of appeal. But was it intended by the Government that the new tenants should have no appeal, that they should be left to the mercy of the Estates Commissioners?

*THE EARL OF CREWE: I should like to understand what the noble and learned Lord is driving at. Does he mean to ask me the question whether, if Lord Robertson's Amendment disappears from the Bill, as an alternative an appeal would be given in this matter? As the Bill now stands, with Lord Robertson's Amendment in, I suppose the planters are regarded as being perfectly safeguarded. At least no other Amendment has been moved from the opposite side of the House to safeguard them.

LORD ASHBOURNE said the noble Earl in his speech on Lord Eversley's Amendment made no reference to the new tenants. That silence made it necessary to inquire what were the intentions of the Government in reference to these unfortunate new tenants.

*THE EARL OF CREWE: The new tenants are practically taken out of the Bill by Lord Robertson's Amendment.

LORD ASHBOURNE said that that Amendment applied only to new tenants who were recognised to be *bona fide* tenants, but there was another class, said to be of the category of caretakers, who had no protection. Moreover, the provision in Lord Robertson's Amendment required to be safeguarded by an appeal. Supposing the Estates Commissioners made a mistake and declared that a farmer who came within that category was not a *bona fide* farmer, who was to decide that? Should not that man, who would otherwise be expropriated, be given a right of appeal? By what method of reasoning could it be suggested that in justice he should not have an appeal. Section 23 of the Act of 1903 only enabled the Judicial Commissioner to consider such questions of law as were stated in their own words by the Estates Commissioners. It was no appeal; the Judicial Commissioner could not examine witnesses, and could not go into questions of mixed law and fact. It was, therefore, useless to point to Section 23 as adequate for the purpose. The noble and learned Lord on the Woolsack had stated on a previous occasion that a writ of prohibition might be obtained by the tenant on a violation of the provisions in Clause 7. In his opinion he could not. The question in such cases always was, Did the inferior Court act in excess of jurisdiction or without jurisdiction? It might honestly be mistakenly held that land which formed part of a demesne did not so form part. That would not be a question for a writ of prohibition. If the Estates Commissioners said that though the land formed part of a demesne, home farm, town park, etc., they would expropriate it, then it would be a question of law and a writ of prohibition would come in. But that question would not arise. They were told that at some point there was to be an adequate appeal tribunal, composed in such a way that the noble Earl the Lord President thought all objection entertained by noble Lords on that side of the House would be removed. He awaited a further explanation from the Government on the point, and he hoped they would also have a clear statement as to the position of the new tenants.

THE LORD CHANCELLOR (Lord LOREBURN): I had not intended to take any part in this discussion, but I will endeavour shortly to answer the noble and learned Lord. There is nothing I detest more than getting into conflict on points of law with any noble Lord who has legal experience. My opinion is that in the event of the land of any new tenant being taken contrary to the provision inserted by Lord Robertson, as the Bill stands, the Court would be able to interpose an estoppel.

LORD ASHBOURNE: What Court?

THE LORD CHANCELLOR: The Bill says that no land which is described in the clause shall be acquired compulsorily. Accordingly it is outside the power of the Estates Commissioners to acquire that land, because the statute says that that land shall not be acquired. There is no direct appeal allowed, but if the Estates Commissioners do anything that is *ultra vires*, they can, I believe, be estopped by a Court of law. That, I think, is the answer to what the noble and learned Lord has said.

LORD ATKINSON said he would follow a good example, and not express any opinion on the Government's proposal before he had seen it. In the meantime, he begged leave to withdraw his Amendment.

*THE MARQUESS OF LANSDOWNE: My Lords, I think the course which my noble and learned friend has suggested is that which clearly is most convenient for the House. We are put rather in a difficulty, because we had most of us hoped that the noble Earl who has charge of the Bill would himself have laid before us, in outline at any rate, the manner in which he proposed to deal with this question of appeal. The noble Earl complained rather that my noble and learned friend's scheme was somewhat too abundant and copious in its form; our complaint of noble Lords opposite is the converse of that; we have no written suggestion from them, and the general explanation which has been offered to the House by the noble Earl, although up to a certain point reassuring, stopped short of that which we had ventured to hope for. Nevertheless, I hope that I am not wrong in thinking that His Majesty's Government are really prepared to give us that for which we ask, and to which we attach so much importance.

I understand that we are to have a full appeal on the question of value, to begin with. Then I understand the noble Earl to admit that there are other questions outside the question of value as to which a similar full appeal is to be granted, and he named, as a case in point, questions arising under Clause 7. As to that, he told us that we might look for a full appeal on any question arising under Clause 7. I regard that as a very satisfactory statement on the part of His Majesty's Government. But I very much desire to emphasise what has been said by my noble and learned friend Lord Ashbourne as to the omission from the noble Earl's statement of all reference to the case of the planters. I am quite ready to take it from the noble and learned Lord on the Woolsack that they are already adequately protected under the Bill but I hope there can be no room for misapprehension as to what is or is not adequate protection; and I have no doubt that when we have the whole of the proposal of His Majesty's Government before us, they will then be able to explain exactly the extent of the protection which will be afforded to the new tenants under their scheme.

I wish to express one other hope. I trust the noble Earl will consider very carefully whether he cannot incorporate in his proposal provisions analogous to, if not identical with, those which are to be found in the first three sections of my noble and learned friend Lord Atkinson's Amendment. Those sections provide for a procedure under which the Estates Commissioners will be required to prepare schemes dealing with certain areas: schemes which are to be prepared after full local inquiry,and which are to be published in such a manner that any persons who may consider themselves aggrieved in any way by them will have ample opportunities of objecting and making known their desire for modifications. I do not think that too much importance can be attached to a proposal of that kind. It seems to me most necessary that at an early stage all parties, and the public generally, should be satisfied that the arrangements for reinstatement and transfer are framed in a fair and equitable spirit, and in a manner not calculated to press too hardly on any particular district or individual. That, to my mind, is the great advantage of this procedure by means of public schemes.

There is, of course, another point as to which we are still left completely in the dark: I mean theCourt to which the appeal will lie. I confess that we were a little disappointed when the noble Earl told us that upon this most important matter he was not able to offer us any enlightenment this evening. While I make these moderate complaints, I fully admit, on the other hand, that the general effect of the statement of the noble Earl was to show that he and his colleagues desire to meet us in a reasonable spirit on a point to which we attach very great importance.

Amendment, by leave, withdrawn.

LORD MONTEAGLE OF BRANDON moved the insertion of a new subsection in Clause 2, which, he said, was in no sense hostile to the Bill, and the object of which was to ensure that there should be no mistake as to the immediate payment of the compensation when it has been finally fixed. He submitted that when it was a case of compulsory purchase the usual practice in regard to such purchase should be followed, and that on the completion of the transaction the money should be at once paid.

Amendment moved—

"In page 6, lines 39 to 42, to leave out sub-section (10), and to insert the following new sub-section: '(10) If no petition has been presented within the prescribed period, or if such petition has been withdrawn, or if all questions under all petitions have been determined, a binding agreement for the purchase of the lands shall be deemed to have been concluded between the Estates Commissioners and the owner thereof, and the Land Commission shall forthwith pay the amount of the compensation into the Bank of Ireland; and the Estates Commissioners may make an order vesting the lands in the Land Commission.'"—(*Lord Monteagle of Brandon.*)

*THE EARL OF CREWE: My Lords, I quite appreciate the object of my noble friend's Amendment, but we cannot accept it in the form in which he has moved it. The Amendment provides that the—

"Commission shall forthwith pay the amount of the compensation."

In the first place, we do not agree to the word "compensation"; we regard it as the "price"—

"And the Estates Commissioners may make an order vesting the lands in the Land Commission."

It might happen that on appeal the price of the land would be so much enhanced that the Estates Commissioners would find it impossible to purchase. Yet if the noble Lord's Amendment is carried they would have to purchase the land in any case, even if a decision was given on appeal under Clause 7 that the land should not be purchased owing to its falling within the exemptions in that clause. If the price is raised on appeal to a figure which would make it impossible for the Commissioners to acquire the land without having to find from public funds so large a difference between the sum they pay and the sum at which they could resell as would make the transaction a thoroughly uneconomic one, they surely ought to be able to retire from the sale at that point, and one naturally assumes that the seller, being always the unwilling party, would have no objection to that course being taken. But there is another objection to the Amendment. It is hardly reasonable to provide that money should be paid at once out of public funds when the acquisition of the land would be unremunerative to the Commissioners. There is no intention whatever of hanging these matters up for an indefinite time, but we do not consider that the position is absolutely analogous to that, for instance, of a railway company taking land; that is an industrial enterprise, and the land is taken for the company's own objects. But if the noble Lord would agree to the words "shall be paid within a period of six months," we would be willing to accept an Amendment to that effect.

LORD ATKINSON thought a period of six months would be reasonable. But that was not the real object which his noble friend had in view. Under the Lands Clauses Act, when a notice to treat was served it constituted an agreement between the promoter and the owner that he would take the land. What was left over was the fixing of the price, but there was the agreement that the promoter would take the land, and if he refused to do so, or if he delayed unreasonably in taking it, a suit could be instituted in the Court of Chancery to compel him to carry out the agreement. What his noble friend wished to guard against by his Amendment was that the Commissioners should have power to back out of their bargain after the compensation had been fixed. What chance would the owner have, in those circumstances, of working the land satisfactorily, in view of the disappointed tenants all round? As sure as that course was taken so sure would the landlord be subjected to all sorts of intimidation to force him to take a lower sum than that of the award. The Commissioners in this matter were playing the game of "heads I win, tails you lose." They could, after the notice had been served and the compensation fixed, retire from the whole transaction if the amount arrived at was higher than that of which they approved. He held that the Commissioners ought in these circumstances to be compelled to carry out the bargain.

LORD MONTEAGLE OF BRANDON agreed to Lord Crewe's suggestion and substituted the words "within six months" for the word "forthwith." He would like to know if the noble Earl accepted the Amendment with that alteration.

*THE EARL OF CREWE: The Amendment to which I agree is that the Land Commission shall, within a period not exceeding six months, pay the money into the Bank of Ireland, and the Estates Commissioners may make an order vesting the lands in the Land Commission.

LORD MONTEAGLE OF BRANDON said that the Amendment as it appeared on the Paper, and as he had moved it, was in substitution for the two Amendments previously circulated, and to one of which the Lord President was evidently referring.

*THE EARL OF CREWE: I do not accept the other Amendment. We quite agree that where the sale is actually effected by agreement between both parties the purchase money should be paid within six months, but we do not agree to making it a binding agreement on the Estates Commissioners to deal at any price which may be fixed by the Court of Appeal.

*THE MARQUESS OF LANSDOWNE: The House is at a disadvantage because the Amendment, as printed, is in a different form. I understand that two points are raised. The first one is whether there is to be prompt payment. Lord Monteagle proposes that payment should take place forthwith. My noble friend the Lord President does not agree to that, but will accept "within a period of six months." That deals fairly with the first point. The second point is, Are the Estates Commissioners to be placed in the position of being able to agree that certain lands are to be taken compulsorily, subject to arbitration, and then, when the price has been fixed, to back out and to say they will not take the land because the price is excessive? My noble and learned friend Lord

Atkinson has shown that a retreat of that kind on the part of the Estates Commissioners at the very last moment would put the vendor in an intolerable position. I think there is a good deal of force in my noble and learned friend's suggestion.

LORD DENMAN pointed out that the subsection which Lord Monteagle desired to introduce completely contradicted Subsection 7 of Clause 2.

LORD MONTEAGLE OF BRANDON said that if his Amendment were carried Subsection (6) would, of course, have to be amended.

THE LORD CHANCELLOR: The Amendment proposed to Lord Monteagle's Amendment is to omit the word "forthwith" in line 6, in order to insert the words "within six months." I think it would be convenient that I should put that Amendment first, as it is generally accepted, and after that has been carried I will put the Amendment standing on the Paper as so amended.

On Question, That the word "forthwith" stand part, resolved in the negative.

On Question, That the words "within six months" be here inserted, resolved in the affirmative.

THE LORD CHANCELLOR: The Amendment I now have to put is to leave out the present Subsection (10) and to insert the following new subsection—

"If no petition has been presented within the prescribed period, or if every such petition has been withdrawn, or if all questions under all petitions have been determined, a binding agreement for the purchase of the lands shall be deemed to have been concluded between the Estates Commissioners and the owner thereof, and the Land Commission shall within six months pay the amount of the compensation into the Bank of Ireland, and the Estates Commissioners may make an order vesting the lands in the Land Commission."

On Question, Amendment agreed to.

THE EARL OF ARRAN moved an Amendment similar to that moved by the Earl of Mayo in Committee providing that on the requirement of the owner by notice to the Estates Commissioners the reinstated tenant should have the *status* of a present tenant and not of a purchaser. The objection to the course proposed in the Bill was that it would make patchwork and cause great discontent. The noble Earl the Lord President had suggested that the fact of discontent on the part of the other tenants would lead to their purchasing. On first hearing that sounded very plausible, but on further consideration he did not think the result would be so advantageous, because the tenants would only consent to buy on precisely the same terms as the Estates Commissioners had sold to the evicted tenants, and in disturbed parts of the country the landlord might not get one penny in rent until he had agreed to sell on those terms. That would mean that the whole of the estate would be compulsorily sold at a price fixed by the Estates Commissioners. In that way a price would be fixed for the whole estate which might have been calculated on a derelict farm. He did not think the Estates Commissioners would object to this Amendment, as they had in some cases offered to reinstate evicted tenants as present tenants. The Amendment was not aimed at preventing evicted tenants being reinstated, but was designed to remove possible discontent.

Amendment moved—

"In page 6, line 42, after the word 'order' to insert the words 'Provided always that in every case in which the owner of the said land shall, by notice in writing to the Estates Commissioners within the prescribed time, so require, the person or persons whom it is proposed to place in possession of said lands shall be placed there with the *status* of present tenants instead of purchasers, and shall from the date of being so placed in possession be subject to such rent as the Land Commission failing agreement between the owner and such person or persons, may upon the application of either party determine to be the fair rent of such land pursuant to the provisions of the Land Law (Ireland) Acts, 1881 to 1896.'"—(*The Earl of Arran.*)

*The EARL OF CREWE: The noble Earl will excuse me if I do not reply at length, because what I had to say on this matter I said in reply to Lord Mayo when he moved a similar Amendment in Committee. The noble Earl dealt with one set of arguments that I used—namely, what I may call the common-sense argument that, in the first place, the Commissioners obviously would not desire to reinstate a tenant in the middle of a tenanted estate if it was likely to cause friction of the kind the noble Earl fears, and the further fact that a tenant being placed in this way in the middle of an estate might in some cases lead to purchase arrangements for the estate as a whole being arrived at. The noble Earl did not deal with the practical difficulty I mentioned, which was that persons returned in this way as present tenants cannot by law receive any assistance. The particular sort of evicted tenants whose case this Bill is intended to meet are in the main people without any particular means, and I am sure the noble Earl will agree with me that you could not do a worse thing for a landlord or for an estate, than to put an evicted tenant back without some kind of equipment, because he would not be able to pay his rent and would soon become an evicted tenant again, and this would not contribute to the settlement of the question. I appreciate the hypothetical difficulty raised by the noble Earl, but I do not believe it will occur in practice. The last objection I have mentioned seems to me overwhelming against the acceptance of the Amendment.

THE EARL OF MAYO said that noble Lords from Ireland felt very strongly on this matter. The object of the Amendment was to guard against the danger of making a price against themselves, and one at which the other tenants would demand to purchase. He knew there was the question of the bonus to be considered, but he maintained that the position of the landlord remained very unsatisfactory.

LORD DENMAN commented on the statement of the noble Earl that landlords would have to standardise the price by that paid by the one evicted tenant who was put back on the estate, and said that where the planter had been placed on a farm it had not been necessary to standardise the rents at the figure derived from that particular planter.

*THE MARQUESS OF LANSDOWNE: I think the case which has been put by my noble friend behind me is really a very hard one, because there can be no doubt that in many cases it would be a great hardship and inconvenience that in the middle of an estate which was in a peaceful condition, with nothing but good feeling between landlord and tenant, one of these evicted tenants should be reinstated, and replaced, as my noble friend has pointed out, on conditions which give him a position considerably more advantageous than that enjoyed by all his neighbours, who perhaps, during the whole time have been paying their rent regularly. While I say that, I am bound to add that I can scarcely advise my noble friend to press his Amendment to a division. I regard the matter as of some importance, but not as of first-rate importance; and I think my noble friends behind me have shown great judgment in concentrating their attention upon points which really were of cardinal importance. This being of less importance, I would counsel my noble friend not to put the House to the trouble of dividing.

Amendment, by leave, withdrawn.

LORD DUNBOYNE drew attention to what he considered an inconsistency between Clause 5, Sub-clause 3, and the provisions of the earlier part of the Bill. The sub-clause in question began—

> "all costs and expenses in the opinion of the Judicial Commissioners necessarily and properly incurred by any petitioner in respect to a petition under this Act or by any new tenant on a hearing before the Estates Commissioners,"

while in the earlier part of the Bill, in the Appeal clauses, the costs were to be dealt with by the Judge of Appeal. In order to remedy this inconsistency, he suggested that the following words should be inserted—at what particular point he thought did not much matter—"except as hereinbefore provided, the Courts shall have discretion.".

*THE EARL OF CREWE: Perhaps the noble Lord will kindly put it on the Paper for to-morrow. I have very little doubt that he is perfectly right; but I rather dislike accepting Amendments, even from him, offhand.

VISCOUNT MIDLETON, in the absence of the Marquess of Londonderry, moved to leave out Clause 6. He said it was necessary to make that Motion for the technical reason that without a Motion in their Lordships' House it would not be practicable for His Majesty's Government to introduce in the other House a limitation of the clause which the Lord President had announced they desired to introduce for reducing the amount of the bonus to be applied for the purposes of the Bill to £100,000. Therefore, as a technical matter—and he believed in doing this he had the consent of His Majesty's Government — he begged to move the omission of the clause.

Amendment moved—

"To leave out Clause 6."—(*Viscount Midleton.*)

*THE EARL OF CREWE: We entirely agree to this course, which is the only possible one, because if it were not followed the other House could not really deal with the clause at all.

On Question, Amendment agreed to.

*LORD CLONBROCK moved an Amendment to extend the restriction on the acquisition of land to land possessing an exceptional or accommodation value to the owner in connection with his farming. He explained that that Amendment and the other which stood in his name were the same Amendments as those which he had proposed when the Bill was in Committee. The noble Earl the President of the Council had then said that he would consult with the right hon. Gentleman the Chief Secretary to the Lord-Lieutenant, to see if any words could be introduced to meet part of the difficulty which he had pointed out. That was, he thought, more particularly in connection with his second Amendment referring to "any home farm." In addition to that he wished again to press that land which possessed any exceptional or accommodation value to the owner should be exempted from the operation of the Commissioners. He had given the noble Earl notice that he did not intend to move the words "or owing to proximity to a town or otherwise," thinking it sufficient to exempt the land which possessed "exceptional or accommodation value to the owner." He had been advised by a noble and learned friend who was more skilled than himself in the strange and mysterious language of Acts of Parliament that it would be prudent to insert after the word "possesses" the words "for any reason," so that it would read "or which possesses for any reason an exceptional or accommodation value," and so on. And, although he himself could not see any particular force in those words, he wished to insert them. But he wished to point out the difference there was between "exceptional" and "accommodation" value. In a work compiled by the right hon. Gentleman the present Attorney-General for Ireland, Mr. Cherry, on the Land Act, he had pointed out the difference. He did not think that the learned Gentleman had used the word "exceptional," but he had pointed out the difference between "proximity" and "accommodation" value; and had pointed out that the land might be valuable when in proximity to a town from the increased prices which anybody farming it would receive by reason of that proximity and for various other reasons, whereas accommodation land would be that which the people of the town were in the habit of using. He wished to exempt any land with any exceptional value of the kind; and, among others, as he had mentioned when the Bill was in Committee, land which was held and worked by the landlord in connection with his home farm. Such land might be at some distance, or it might be at a considerable distance, and it might be of considerable extent, but it formed part of the landlord's system of farming, it entailed a great expenditure on the landlord's part in the employment of a number of labourers, and it was valuable for both tillage and also sometimes for what was called "winterage," where animals were put in to winter. If that land were taken away, or if part of it were taken away, it dislocated the whole system of farming, and the landlord would probably have to give it up altogether. That was not only a great loss and a great injustice to him, but it was a serious loss to the neighbourhood, from the loss of employment to his labourers, and also from the loss of the advantage now gained by having farms properly worked as an example to the people—who very much needed it—as to how land ought to be treated. He therefore moved to insert the words which he had read, and also in line 18 to leave out the words "immediately adjoining and"—which of course referred to the home farm and demesne.

As to home farms, he had mentioned on the Committee stage the case of a noble Lord a Member of that House—Lord Gough—who had an extremely picturesque demesne—a really beautiful place—in the county of Galway. But, and perhaps for that reason, the land was not fit for tillage. He had held for years in connection with his demesne a tillage farm some distance off, but the Commissioners, in the exercise of the great powers they had in that particular way, refused to recognise the rest of his property, though it was very extensive, as an "estate" unless he threw in this tillage farm, and he had had to do so very much to his inconvenience. He submitted that it could make no difference whether the land was "immediately adjoining," and whether there was only a fence between, or whether there were a number of fields intervening. It was worked together with the demesne, and it was exceedingly hard that the landlord should be deprived of it. As the Estates Commissioners exercised the indirect compulsory powers they now had in so stringent a manner, it was much to be feared that they would adopt a similar course with the much extended power of compulsion conferred upon them by this Bill. He begged to move the Amendment as it stood with the exception that he desired to leave out after "in connection with his farm" the words "or owing to its proximity to a town or otherwise"; and in line 18 to leave out the words "immediately adjoining and" so as to let it run "any home farm or land customarily occupied with his residence."

Amendment moved—

"In page 9, line 12, after the word 'sites,' to insert the words 'or which possesses for any reason an exceptional or accommodation value to the owner in connection with his farm.'"—(*Lord Clonbrock*).

*LORD ARDILAUN desired to support the Amendment, and said that perhaps their Lordships would not consider it unduly egotistical on his part if he instanced his own case, as it had a bearing on this point, and was typical of many others which existed. He farmed between 3,000 and 4,000 acres, most of which he had inherited, some of which he had bought, and some of which he had acquired in consequence of moving (at their own request) tenants from it to an adjoining estate, giving them double the amount of land which they had before, and subsequently selling the holdings to them. He wished to point out that if any land were taken from him it would doom his farming. If the mountainous part were taken, he would have no place for his stock in summer, and if the lowlands were taken, he could not carry on his farming at all. He had created this farming industry himself, and he thought it would be a very hard thing that having put very large sums of money into the farms which he held in his own hands, he should be at the mercy of Commissioners, or the Appeal Court, or anyone else, who would have power to take them from him, and to destroy the industry which he had created at large cost, expense, and trouble. It would be a loss, not only to himself, but to the poor people who were engaged in carrying on this work—herders, carters, and labourers. He would be obliged immediately to disemploy these people, and to give up farming. These farms were in a district which was well known in the West of Ireland. It was a wild country, and a country in which employment was very scarce, and where there were many people, besides those men whom he employed, who were desirous of having work. The proposal in the clause was, he thought, very unfair, because what was proposed to be done was to be done for the purpose of putting in people who had failed everywhere else, either through their own fault or through the fault of those agitators who had urged them on to their own ruin, and these men were to come in and injure the men who at present had employment, and were satisfied with their condition. That was an unjust thing, and one which he thought their Lordships would probably not sympathise with. He might add that he had no evicted tenants, and therefore any evicted tenants who were brought in would be brought in from other estates, perhaps a hundred miles off. He would like to put what appeared to him a fairly parallel case. Supposing that in England a man created an industry, say a factory, and perhaps brought it to a successful state of working, and suppose that in another factory perhaps 100 miles off the employees struck for higher wages, and the whole thing broke up. Would it be fair that the factory which had been a success should be saddled with those people from the other factory, and that they should be told that they were to have the advantages of the factory which was a success, because they had struck and were out of employment? He thought that was a very fair parallel to draw, and he really did not think that the House ought to consent to force landlords to give up an industry which had been started—as in his case—at considerable trouble and great expense.

*The EARL OF CREWE: I am sorry we cannot accept the Amendment of the noble Lord, and I think that both he—because he is always fair-minded—and the rest of the House must admit that the situation is somewhat altered by the announcement I made of an appeal in all these cases. If the noble Lord will look at the last words of the clause, he will see that it was provided that the Estates Commissioners should "avoid all interference with the demesne and amenity of residence of the owner of the land, or with any home farm or land immediately adjoining and customarily occupied with his residence, and land shall be selected" (this is the point I particularly wish to draw attention to) "with due regard to the general situation and convenience of the owner's property so as to diminish the value thereof as little as possible." Take the case of the noble Lord who has just sat down (Lord Ardilaun). If he were able to show, as I have no doubt he could, that the general situation and convenience of his property would be interfered with by any part being abstracted from the large amount which he has in hand, or that the value thereof would be diminished, he would have, I should have supposed, an extremely good case. Now even supposing that the Estates Commissioners, inspired by diabolical sentiments, wished to pick out the best part of the noble Lord's farm, it does surely alter the case if an appeal of the kind I have mentioned is given, and in our opinion the interests of the landlord are sufficiently protected. After all, we have not the slightest wish to attack the landlords, or to compromise them in any way. There is no conceivable reason why we should, because we wish to settle the whole of this question of evicted tenants on the most pacific lines, and if possible to establish contentment in the matter, and in our opinion this Clause 7, strengthened by an appeal, gives the most absolute protection to the landlords in every conceivable way.

*VISCOUNT MIDLETON was sorry that the Lord President did not see his way to make the concession of the words which the noble Lord behind him had moved, and he pointed out that although he (the Earl of Crewe) was of opinion that the words in the Bill sufficiently safeguarded the landlord's rights in that respect, yet there was very grave doubt as to whether the words had as great force as the noble Earl had assigned to them. They were not endeavouring, by this Amendment, to encroach upon the main object and purpose of the Bill as regarded untenanted land, but if he might be allowed to reinforce what had already fallen so forcibly from Lord Ardilaun he would like to do it by giving one instance to their Lordships which had come to him that morning in a letter from Lord Ashtown, written after the occurrence of yesterday at his house—an occurrence which he was sure every Member of their Lordships' House deplored. In that letter he pointed out what would be the effect, as he was advised, upon him of the Bill as it at present stood. Lord Ashtown, as he had pointed out to their Lordships on a former occasion, was probably the largest owner of untenanted farm land in Ireland; he farmed 4,000 acres of land in the West and had done so for a great number of years, and he stated that—

> "In the West of Ireland there are two sorts of land—summer land and winter land. I farm about 1,400 acres of winter land which is light rocky land, no good at all for young stock, but most valuable for old stock."

He proceeded to say—

> "I cannot but believe that if any of my summer land be taken away it will decrease the value of my winter land. I do not think anyone in their senses would interfere with the winter land, because it cannot be tilled on account of rocks, and there is no water on it in summer at all. All I want is fair play, so that I may make the best of my land when I can, and give plenty of labour to the people about. I am not an ordinary grazier, as I breed the whole of my own stock."

He thought their Lordships would feel that that was a case where consideration should be shown, not merely to the interests of the landlord, but to those of the whole locality, which, if these two classes of land were divided, would certainly suffer. And yet that was precisely one of the cases in which the Estates Commissioners said the other day, with regard to the whole of Galway, that every acre of untenanted land in that county ought to be taken. The words which his noble friend Lord Clonbrock proposed—"which possesses an exceptional or accommodation value to the owner"—were specially designed to meet all cases of that character and certain other cases which were familiar to all their Lordships which must occur—cases where land was not precisely building land or a home farm but was in the neighbourhood of a town—he could mention many such places—and had an accommodation value to the owner which was not provided for in the Bill.

Lord INCHIQUIN desired to say one word, as being even a larger farmer than Lord Ashtown. He had close upon 5,000 acres in his own hands at the present moment. When he said in his own hands, he meant that he was actually farming that amount himself; the actual amount he had in his own hands was nearly 6,000 acres. A great deal of that land was at a distance from his home, but was nevertheless most important to him for the purposes of farming. He sent most of his cattle away in the winter to land which Cromwell had described as not having trees enough to hang a man, water enough to drown him, or earth enough to bury him. At the same time he sent all his cattle up to that land, and they came home fatter than those he had at home feeding on hay. The whole of that land was a sheet of rock from end to end—many noble Lords knew it well—and on the small patches of earth between those rocks, strange as it seemed, valuable cattle would fatten in the most extraordinary way. He merely mentioned that incidentally to show that those distant lands were equally valuable to him as the lands immediately adjoining his residence. Last year he had saved about 600 tons of hay. Naturally that could not be grown inside his demesne, and therefore it was absolutely essential to him to have land outside of it. With that large amount, no doubt he could find untenanted land which he would be willing to give to the Commissioners, but he objected very strongly to their coming down and taking his best parts. As he had told their Lordships on Committee stage, he received as much as £6 10s. per acre for meadowing last year, and he objected very strongly to anyone having a right to come in at any place and take any land they might think fit. He was therefore highly in favour of the present Amendment, and urged its adoption.

Lord DUNBOYNE said it was a most usual thing for people to have farms at considerable distances away to which they sent their cattle. It seemed to him that if the Amendment was not accepted by His Majesty's Government the proper title of the Act would be "An Act to increase the number of absentee landlords in Ireland." It seemed to him that that sort of legislation would drive out of the country all the people who were most valuable to it, which, he was sure, was not the intention of the Government, although it might possibly be of some of the people behind them—and whether or not that was for the benefit of Ireland he would not say. His own impression was that the people of Ireland were as loyal to the landlords as anyone else if they were only left alone.

*The Earl of CREWE: I do not propose to divide the House against the Amendment, but we do not accept it.

On Question, Amendment agreed to.

Amendment moved—

"In page 9, line 18, to leave out the words 'immediately adjoining and.'"—(*Lord Clonbrock*.)

*The Earl of CREWE: I think I need only say that we cannot accept this Amendment for the same reason that we were unable to accept the last, namely, that we consider that any case of hardship such as that mentioned by the noble Lord—assuming, of course, a real hardship to exist, which no doubt it did in that particular case—would be covered by the appeal which we have given; because it is important to notice that the two things are not absolutely analogous. It is quite possible, in that particular case, that the Estates Commissioners may refuse to declare a property an estate without the addition of that particular farm, but that is by no means the same thing as their saying they will take that particular farm or any part of it compulsorily under this Act if it is a hardship to the landlord to do so.

On Question, Amendment agreed to.

LORD INCHIQUIN, on Clause 9, said that he wished to make three small alterations in the sporting clause, two of which were merely verbal, and would make very little difference, but after consultation with his noble friend Lord Denman he proposed to move his Amendment in a form more acceptable to His Majesty's Government. The clause began, "Where any land is compulsorily purchased or taken." He proposed to leave out the words "purchased or taken," and to put in the word "acquired." He thought nobody could form any grave objection to that, as it was merely a difference in the wording. The clause went on "Where any land is compulsorily acquired under this Act all sporting rights hitherto enjoyed by the vendor," and so on. In place of those words he would prefer to put in the words "therefore vested in the owner of the land." He called their Lordships' attention to one word in that, namely, the word "vested." Vested might refer to two things: either tenanted land or untenanted land. In the case of untenanted land undoubtedly the sporting rights were vested in the owner; but in the case of tenanted land they might possibly not be vested in the owner, and very often they were not so vested in Ireland, because it was in many cases not customary to put in a lease the fact that the fishing and sporting rights were reserved, although they might possibly have been reserved. There was just a slight concession there which he did not think need give any great anxiety. The Bill applied to two classes of land, tenanted land and untenanted land—the untenanted land did not matter—and he thought that if their Lordships accepted the words he proposed no harm would be done to any interests in Ireland. The remaining words were those which came after "if he so desires," viz., "remain vested in him notwithstanding such purchase.". He proposed to leave out the words "remain vested in him notwithstanding such purchase"; and to insert the words "be expressly reserved to him." Those words equally carried the point; and he was told by his noble friend that they might make it a little more acceptable to His Majesty's Government. He begged to move.

Amendments moved—

"In page 9, line 25, to leave out the words 'purchased or taken,' and insert the word 'acquired.'"

"In line 26, to leave out the words 'hitherto enjoyed by the vendor' and insert the words 'therefore vested in the owner of the land.'"

"In line 27, to leave out the words 'vested in him notwithstanding such purchase' and insert the words 'be expressly reserved to him.'"—(*Lord Inchiquin.*)

LORD DENMAN said that so far as the Government were concerned, they regarded these Amendments as of a purely drafting nature. They improved the form of the clause, and of course the Government were perfectly prepared to accept them, but, he must add, without prejudice to any course that might be taken in the other House in regard to that particular clause.

LORD ASHBOURNE pointed out that the noble Earl the Lord President of the Council had expressly said that fishing rights were included in sporting rights.

*THE EARL OF CREWE: I do not think the noble and learned Lord is quoting any words of mine. I mentioned fishing rights as a point which in my opinion would be covered, where damage was done to the owners of the property, by the appeal given under another clause.

LORD ASHBOURNE said he had mentioned in his few remarks in Committee that under the term "sporting rights" fishing might be the most valuable thing in Ireland—the best places on the Shannon for salmon—and the Estates Commissioners might take a piece of land which abutted on the Shannon at that place; that showed the tremendous importance of seeing that they were adequately protected.

On Question, Amendments agreed to.

THE EARL OF DONOUGHMORE moved the insertion, in Clause 14, of a proviso giving the original vendor the first option of re-purchasing surplus lands acquired under the Act, and not required for the purposes of the Act. He would not detain their Lordships at any length because he had said all he wished to say about the Amendment in Committee. It was practically the same Amendment as he had moved in Committee, but it had been re-drafted in order to try and meet the wishes of the Government. The Government were very difficult to please, but he sincerely hoped that he had satisfied them on the present occasion. He begged to move.

Amendment moved—

"In page 10, line 19, after '1903,' to insert 'or may be re-sold to the vendor: Provided that no such land shall be sold to any person other than the original vendor, unless it shall have been offered to such vendor at a price corresponding to the price paid for any portion of such acquired land as has been re-sold under this Act, and unless he shall have failed to accept the said offer within a period of one month from the date thereof.'"—(*Earl of Donoughmore.*)

THE EARL OF CREWE: I am sorry not to be able to agree with the noble Earl, because I feel that the drafting of this Amendment must have caused him at least one sleepless night, if not more, owing to its extreme elaborateness and complication. But, honestly, I cannot see what is the meaning, or what can be taken to be the meaning, of the phrase "offered to such vendor at a price corresponding to the price paid for any portion of such acquired land as has been re-sold." I am entirely unable to appreciate what is meant by the words "price corresponding" and so on. What is going to happen under these circumstances? A piece of land has been acquired by the Commissioners at a price. A certain part of it is not wanted, and therefore the original landlord, the vendor, would like to have it back. But he is to get it back at a price corresponding to that at which the rest has been sold. Does the noble Lord mean that it is necessarily a proportionate ratio per acre, because it seems to me in that event he might be in a very bad case. It might be a very cheap piece that was not required and a very valuable piece which would be kept by the Commissioners and he would have to take the cheap piece back apparently at the average price of the whole. Or, again, the rule might operate in the opposite case far too greatly to the landlord's advantage. I confess that I think it would be better if the noble Lord would strike out the whole of the latter part of his Amendment, and agree to leave it in these terms, "or may be resold to the person for whom it was acquired." The price would then become a matter of ordinary bargain, and I think in that case the land could probably be secured at a fair price.

THE EARL OF DONOUGHMORE said he would be willing to accept that, provided the original vendor was given the first choice. He thought that should be done, and that it should not be left to the Estates Commissioners to say whether they would sell the land back to the vendor or sell it to somebody else. He quite appreciated the difficulty that was in the mind of the noble Earl, and it would be better, no doubt, to leave the price to bargain.

LORD ASHBOURNE said he did not differ from that, subject to this—that he thought it was a legitimate Amendment of his noble friend to deal with this case, because it was to prevent improvidence on the part of the Commissioners in getting a great deal too much land compulsorily, and then being overstocked and working it off in a way to suit their own will—he did not use the word "will" offensively, but their own unmeasured discretion; and therefore the original vendor was entitled to say, "If you have taken too much land compulsorily I am entitled to purchase it back in priority to anyone else." Then there was the question about terms. He had not thought it out, but, supposing there were 100 acres bought by the Commissioners, ten of which were not wanted, the original vendor should, in his opinion, get that back at the same price as that given for the land all round; he should be given back his land at the same price at which it was taken from him. He thought some words ought to be inserted to show that the original vendor was entitled to the first offer, and also, if possible, words indicating that the price he received should be the measure at which he should take the land back again. That, however, was a question for his noble friend.

THE EARL OF MAYO inquired whether the noble Lord would agree to give the vendor a pre-emption.

THE EARL OF CREWE: Supposing it is possible to arrive at an agreement?

THE EARL OF DONOUGHMORE: Yes.

*THE EARL OF CREWE: I have no objection to that, but I think the noble Earl had better bring up the Amendment to-morrow.

THE EARL OF DONOUGHMORE said that he would do so.

*The MARQUESS OF LANSDOWNE: Might it not run something like this: "Unless it shall have been offered to such vendor at a price corresponding *pro rata* to that at which it was acquired"?

*THE EARL OF CREWE: I can only speak by the indulgence of the House, but I very much doubt whether that would be an acceptable suggestion. Supposing the Estates Commissioners acquire a considerable tract, including some very bad land and some very good land, and then find that they do not want all the very bad land and they hand some of it back to the landlord. Then the unfortunate landlord, under the suggestion which has been made, will have to pay the *pro rata* price, and will thus be paying far too much. On the other hand, if the opposite case occurs, he may be getting some of the very good land back far too cheaply. I think it must be left to agreement.

THE MARQUESS OF LANSDOWNE: Surely the good land and the bad land will be valued separately.

LORD ASHBOURNE said that if nothing was done it would be the Estates Commissioners making their own bargain but as he had already spoken to the Amendment he was unable to amplify the point.

THE EARL OF DONOUGHMORE said that he would not press the Amendment; and he would take an opportunity of discussing the point with his noble friend between then and to-morrow.

Amendment, by leave, withdrawn.

THE EARL OF MAYO moved the insertion of a new clause after Clause 17 to the effect that the provisions of the Act should continue and remain in force for two years after the passing thereof and no longer. He desired to put some finality to the operations of the Bill; and he believed the Government were willing to do so. He thought it would help matters very much in Ireland to have this question settled. He spoke on his own behalf and on behalf of a great many people in Ireland whom their Lordships neither saw nor heard of, all of whom really wanted to have finality to this question. The Estates Commissioners had now issued their Report, and their Lordships had put into the Bill the number of tenants that were to be put back. Now, he and those who thought with him asked, with all moderation, that the Bill should come to an end in two years. That, they thought, was a sufficient time for the Commissioners to deal with the matter. He thought he need say no more on the point, as he believed the noble Lord in charge of the Bill was anxious that there should be a time limit.

Amendment moved—

"To insert the following new Clause: '18. The provisions of this Act shall continue and remain in force for two years after the passing thereof, and no longer.'"—(*The Earl of Mayo.*)

*THE EARL OF CREWE: I think it would give general satisfaction to everybody concerned, including the Estates Commissioners themselves, that there should be a limit to the operation of the Act. The Commissioners, however, are of opinion that the term of two years, named by the noble Earl, in view of the notices which have to be given, determination of tenancies, and matters of that kind, is too short, and they ask for four years. The suggestion we make is, that the clause should run in this form:—

"The provisions of this Act for the acquisition of land, and for the determination of tenancies, shall continue for four years after the passing of this Act."

It is necessary to put it in that form, because there are certain matters in connection with the Act which are not temporary but permanent. It is the power for the acquisition of land that the noble Lord means; and I am afraid we must ask for a term of four years, because the Estates Commissioners say it is necessary.

LORD ASHBOURNE suggested that the clause should read, "four years and no longer."

*THE EARL OF CREWE: Certainly; "and no longer," if the noble Lord likes.

*LORD CLONBROCK asked whether the noble Earl would adopt the old Irish plan of "splitting the difference," and agree to three years.

THE EARL OF CREWE: I need not tell noble Lords that I have no personal opinion on the matter. One is obliged to be guided upon this question by the Estates Commissioners, and they are afraid, they say, of having a shorter term than four years. I hope, therefore, the noble Lords will not press for a less period.

LORD BARRYMORE said that he would move as an Amendment that the word "three" be inserted in place of the word "two."

THE LORD CHANCELLOR: The Amendment is an Amendment to an Amendment.

* THE EARL OF CREWE: I move it in this form—

> "The provisions of this Act for the acquisition of land and for the determination of tenancies shall continue in force for four years after the passing of this Act."

THE LORD CHANCELLOR: I will put "three" first, and then, if that is negatived, I will put "four."

On Question, whether the word "three" be inserted, their Lordships divided:—Contents, 86; Not-Contents, 31.

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Sanderson, L.
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On Question, new clause, as amended, agreed to.

*LORD CLONBROCK moved to insert two new headings at the end of the Schedule. He said that the Government had accepted on the Committee stage his Amendment for a periodical return by the Commissioners; but it had since been represented to him that the Schedule would be improved by the addition of two more headings under the heading of "Poor Law Valuation," namely, "Former Holding—New Holding." He hoped the noble Earl would have no objection to that Amendment.

"In page 12, at the end of the Schedule, to insert

Poor Law Valuation.	
Former Holding.	New Holding.
(14)	(15)

"

—(*Lord Clonbrock.*)

*THE EARL OF CREWE: I accept the noble Lord's Amendment.

On Question, Amendment agreed to.

Bill to be read 3ª To-morrow and to be printed as amended. (Nº 179.)

PRISONS (IRELAND) BILL.

House in Committee (according to Order). Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3ª To-morrow.

LIGHTS ON VEHICLES BILL.

Read 3ª (according to Order), with the Amendments; further Amendments made; Bill passed, and returned to the Commons.

VACCINATION BILL.

Read 3ª (according to Order), with the Amendment; and passed, and returned to the Commons.

COUNCIL OF INDIA BILL.

Order of the Day for the Second Reading read:

THE MARQUESS OF RIPON: My Lords, this is a Bill having for its object to make some alterations in the present organization of the Council of India, which is the Secretary of State for India's Council in this country. It is a short Bill, and I hope your Lordships will accept it as containing advisable alterations in the present constitution of the Council of India.

Your Lordships know that the India Council was constituted by the Act of 1858, at the time when the Government of India was passsd over from the Company to the Crown. It was constituted for the purpose of providing a body of competent and expert advisers for the Secretary of State. At that time, the India Council was composed of 15 members; since then, the number of members has been reduced to the present number, the utmost of which is 12; and also, the Secretary of State is not obliged to fill up the whole number, but may, under certain circumstances, appoint only a number less than the full number. Since the year 1858, territory under the Government of India has largely increased in various directions. I may mention specially the direction of Burmah, and my right hon. friend Mr. Morley has come to the conclusion that it would be desirable to increase the present number of Councillors to 14, that is still less than the number fixed under the Act of 1858, and I believe that I may assure your Lordships that that is a necessary and advisable increase. Your Lordships are, I think, aware that it is the intention of my right hon. friend to appoint two native-born Indians to the Council as soon as he can, but I desire to point out that that is no reason why the number of other members of the Council should be diminished, because it is most desirable to have on the Secretary of State's Council representatives of the various Administrations and Departments of the Government of India, that is to say, representatives of the Army, of the Local Governments of the Provinces, and of Finance and Revenue. Therefore the

Secretary of State thinks that it is important that we should revert again rather towards the number, though not to the full number, of Councillors as fixed by the Act of 1858. I believe, considering the increase of territory of India, the increase of the population of India, and the increase of Indian interests in every direction, it is very desirable that the number of the existing Indian Councillors should be increased as proposed by this Bill. There is nothing, I think, excessive in the number suggested; it is still, as I say, less than that established by the Act of 1858; and I venture, therefore to recommend that provision to your Lordships' acceptance.

Then, my Lords, the next clause in the Bill provides that those appointed who have Indian experience shall have come home from India not more than 10 years. I am very strongly impressed with the belief and conviction that a reduction in the period of time since the Councillor to be appointed has left India is very important. You want to have, as I think my noble friend, Lord Lansdowne will agree, the most recent experience that you can get in the Council of the Secretary of State. We often hear about the "unchanging East," but very great changes take place in India from time to time, and it is most important that the Secretary of State at home should have the most recent experience that he can have at his disposal for his advice. Then it is proposed to shorten the period of tenure of office from ten to seven years. That, again, I think is a good arrangement, and tends in the same direction, namely, to get more recent experience; and I have the strongest conviction that that is a matter of much importance.

Then there is another matter—I have taken it rather in the wrong order, but your Lordships will excuse me for that—and that is, that it is proposed to reduce the salary, which at present stands at £1,200 a year, to £1,000 a year. Some criticism might perhaps be offered upon that point, but my right hon. friend feels, as I think we all must feel, that he is bound to keep down every branch of Indian expenditure that he can, and that it is particularly undesirable that the expenditure connected with the India Office should be at a higher rate than is absolutely necessary. It must be remembered that the majority of the members of that Council are men who are in receipt of an Indian pension of £1,000 a year, and that they receive their salary as Councillors, whether it be £1,200, or £1,000, in addition to their Indian pension; their pension does not cease with their appointment to the Council. Therefore they receive practically from Indian revenues £2,000 a year. There are no doubt other members of the Council who have not been in the Civil Service or the Military Service of India, and who stand upon another footing, but then it is open to them to engage in other avocations; they have time at their disposal, and I think that a salary of £1,000 a year is quite sufficient for the purpose. Those gentlemen, my Lords, and the men of the same class upon the India Council, render, and have always rendered, very valuable assistance to the Secretary of State in financial and other matters; they are most important members of the Council of India; but I believe that £1,000 a year is quite sufficient for the purpose, as they are not required to devote the whole of their time to their duties at the India Office.

Then, my Lords, the Bill proposes to repeal the two Acts of Parliament which made the changes to which I have referred in the Act of 1858—and, of course, the repeal of those Acts is necessary if your Lordships agree to this Bill. I cannot but think that the proposals of the Bill will make an important change in the constitution of the Council of India at home; and I am glad to have this opportunity of expressing my entire concurrence in the proposal of my right hon. friend to appoint two native-born gentlemen of India as members of this Council. I believe that that is a very wise and judicious step; I believe it is the best form and the best mode of associating native gentlemen with the Secretary of State in this country; and it is a great pleasure to me that that proposal should have been made by my right hon. colleague. I beg to move the Second Reading.

Moved, "That the Bill be now read 2ª."

*LORD AMPTHILL: My Lords, I fully appreciate the fact that the House is weary after the exhausting labours of the past few days, and I should be the last to trespass upon the patience and forbearance of your Lordships. But, I really feel, as one who has recently held a position of responsibility in India, that it is incumbent upon me to say what I think of this Bill, and as I have nothing but cordial—I might even say enthusiastic—approval to express, the duty becomes for once in a way a real pleasure. I should like first to say incidentally that knowing as I do the feelings of the people of India, I rejoice particularly that the noble Marquess who leads the House should be in charge of this Bill, for I am sure the fact will meet with very enthusiastic and affectionate approval in India.

My Lords, I am surprised that this Bill should have attracted so little notice or comment, notwithstanding the fact that there are so many other legislative attractions, for it seems to me a measure of no small importance. It is a step, and a very decided step, in the direction of meeting the hopes and wishes of those classes in India who, taught and inspired by ourselves to aim at political progress on Western lines, aspire to take a greater share in the government of India, and to exercise a larger influence on that government. It is not my purpose—it would not in any circumstances have been my purpose—on this occasion to discuss the whole question of present day political tendencies in India, to examine their depth and extent, and to suggest the limitations by which British rule must be preserved. I am only concerned with the primary object of this Bill, which, as the noble Marquess pointed out, is to enable the Secretary of State for India to nominate Indians for appointment by His Majesty as members of the Council of India. I take it that the proposed alterations in the conditions of appointment of the other members of the Council are incidental to this primary object, and the necessary consequences of experience at the India Office, but in the presence of my noble friend the late Secretary of State for India I will not presume to discuss those proposals. But the appointment of Indians to the Council of the Secretary of State has been long and earnestly desired by Indian politicians of all shades of opinion, whether they be moderate or extreme, and I for one rejoice heartily that the wish is to be gratified. It has always seemed to me a perfectly natural, legitimate, and reasonable wish, and I am confident that nothing but good will result from its realisation. It is very easy to point out difficulties, but what branch of public affairs is there in which it is not easy to point out objections and difficulties? How, it is asked, will you find two Indians to represent the feelings and views of the numerous races in India, with their diversities of language, religion, and custom, and their differences of political opinion—differences as wide and as varied as those which subsist in this country? Of course you will not be able to find such men, any more than you are able to find in this country Ministers of the Crown who represent the views of more than a portion of the population. But those who are appointed will be Indians, and that fact will be a fact of far greater importance to the people of India than it is possible for anyone who has not lived there to realise. Again, it is asked how are you to find Indians of the necessary ability and experience, combined with the requisite means and leisure which will enable them to leave their own homes and avocations and to take up their residence in this country? I believe that in politics as in economics demand creates supply, and that men are made by circumstances rather than circumstances by men. You will get the right men, men who will be invaluable to the Secretary of State in the changing conditions of Indian administration. You will get them, if not at once, certainly in due course of time. In this matter we may be guided by our own experience in this country. With every change of Ministry, with every new appointment of the Government, the public at large say, in respect of all except those few who are recognised as the leading statesmen of the day, that they wonder how such obscure and insignificant men can possibly have been chosen for such important and responsible posts. But in a very short time—in a few months — all that is changed, and the public—certainly the public on one side of politics—regards those men as the right men in the right places, and fully admits their competence to discuss the affairs of the nation and to take their part in guiding national affairs. My point is that you cannot tell what men are made of until you have tried them; you cannot say that men are fit or unfit for responsibility until you have placed them and proved them in responsible positions.

Now, of course, there are many men—a great many men—of intellectual eminence, of great capacity and of high character, among the educated classes in India, and it is to my mind inconceivable that among those men there should not be found some who are both able and willing to fill these posts with credit to themselves and advantage to their countrymen. The high traditions of the office of Secretary of State for India make it certain that the right men will be chosen, and it is equally certain that that selection, whatever it may be, will be criticised and disapproved by a great many people in India. But to my mind that criticism and that disapproval will be of no more consequence and no more disadvantage than the criticism and disapproval of responsible men in this country. The Secretary of State will have the advantage of having at his side, among his advisers, men who feel like Indians, and those who have been in India will know what I mean when I say that the inner workings of an Indian mind are not exactly the same as those of an English mind. His Majesty's Government must not expect loud-voiced gratitude or delight in India over this concession. Those who express their opinion at all will say that it is a trifling concession, one which is hardly worth thanking for, and that it will in no way satisfy their demands. But the Government may rest assured that they will have another form of gratitude—the silent appreciation of that large section of the educated classes in India who firmly believe in the justice and advantage of British rule, and who will recognise in this concession yet another proof of the affection and sympathy of the Government and people of this country. That is why I say that this concession would be worth making even if it could be proved that no material advantage would result from it. It is a fulfilment of pledges, an earnest of goodwill, and a proof of sympathy. And, my Lords, there are no people in the world who respond more readily, more gratefully, and more sincerely to the human note in public affairs than do the people of India. It will be said that this is a concesssion to agitation. I know that it is nothing of the kind, and I am glad that the Secretary of State takes the view that we are strong enough to persist, without fear or hesitation, in the course of progress and reform, in spite of the disloyalty of the few and the discontent of some others. My Lords, I congratulate His Majesty's Government on the policy which is initiated by this Bill.

VISCOUNT MIDLETON: My Lords, after the eloquent tribute which has been paid by my noble friend, who has himself filled the office of Viceroy, and who has concurred entirely in the speech of the noble Marquess opposite, who also has filled that high office, it seems almost unnecessary for me to add what I should desire to add in one single sentence—my entire appreciation of the policy initiated by His Majesty's Government in this Bill of placing two natives upon the Council of India. I hope that we may anticipate very happy results from that measure, although I am sure the guarded note of my noble friend behind me (Lord Ampthill) is one which will commend itself to those who are acquainted with politics in India.

My Lords, at this hour I propose in the fewest possible words to make one or two observations upon the other provisions in the Bill. I quite agree with the noble Marquess in saying that it is desirable that the limit of five years rather than ten from the period of leaving India should be the period for appointment to the Council of India at Whitehall. I also feel that there is great force in the proposal that instead of an appointment for ten years, as heretofore, the appointment should be for seven years. A man who, for thirty years or more, has done the enormous amount of work which falls upon an Indian civilian of the present day, and who comes home, would perhaps sometimes enjoy an unduly prolonged tenure of office if, after those thirty years of service in India, he was appointed for ten years without any possibility of reconsideration by the Secretary of State.

I venture most heartily to congratulate the Government, so far as these two objects of the Bill are concerned, upon having attained them, but I should like also to say one word in the most respectful manner after what has fallen from the noble Marquess as to the increase in the number of members of the Council. This is in direct opposition to the whole policy which has been pressed upon and pursued by Secretaries of State for some time past. So far from the Council of India having been considered to be unduly small, successive Secretaries of State have even left vacancies unfilled, because they felt that the work to be divided, and the charge to be put upon the public, were not adequate to the large number, as I think it is, of the present Council. The power of the Council of India is very great. It is only those who are immediately connected with the business of India perhaps who appreciate how great it is. They are the colleagues of the Secretary of State, not his subordinates, and they are his masters in the matter of finance. Except in questions of high policy, such as Cabinet questions, the Secretary of State is voting only as one of twelve in his own Council. Surely, in a case in which the responsibility is so great, it is desirable rather to concentrate responsibility than to dilute it, and the larger the number the more it must be diluted. The larger the body the less must be the individual responsibility. Let me just take the facts. When I joined the Council as Secretary of State I think the number was eleven. It has been on several occasions within the last five years ten. At this moment it is only nine, although the Secretary of State has within the last three or four months appointed three members. So that there are now three vacancies, and there would be no difficulty whatever in his introducing two Indian representatives and still having a vacancy to dispose of. And if I might make a suggestion to the noble Marquess—because I feel very strongly upon this point—I would ask why, if the number were maintained at twelve, should you not have two representing India, two lawyers, as at present, two soldiers if you desire it, two financiers as at present, and still four other administrators? Were you to do this you would still give to the civil servants of India practically the same representation and the same number of posts as has been the case for some years past.

While I feel very strongly upon that point, I will not say another word upon it, because of the moment at which I am speaking. But I would also urge most strongly that this proposed reduction of salaries is inopportune and undesirable. Of course I see the object of His Majesty's Government. They do not want to increase the total charge, and so they have given the salaries of twelve men divided amongst fourteen. But I put it to the noble Marquess, after his own observations as regards the settlement of 1858, if it was in 1858 desirable to give a man £1,200 a year when he came home, in addition to his then pension, how much more important it is not to decrease the amount now, when an Indian civilian can save so far less during his period of office than he could in 1858. Men come home with comparatively very small sums put away, and it seems to me highly undesirable to reduce the pay of those men from £1,200 to £1,000. But there is another class whose salaries it is absolutely injurious to the Council to reduce in amount. You ask two men of the highest financial repute in the City that you can get to come and advise you at the Council on most important and very large interests. There is the greatest difficulty in inducing those men to come. Even in the last few months the Secretary of State has lost one most able representative because he was unable to give the time from his other business without great loss to himself. I do not mean to say that the difference of £200 a year will make a complete difference in getting such a man, but it is a difference the wrong way, and if you ask a man to give up engagements at a cost very often of some thousands in order to give you his attendance, it is certainly undesirable to cut down the amount of the not large stipend which you pay him.

I have ventured to put these points forward, and I would urge them upon the attention of the Government. I will not move any Amendment to this Bill. I should be extremely sorry to appear in any way to cavil at any act taken upon the responsibility of the Secretary of State for India, and still more upon the responsibility of a Secretary of State so broadminded and of so much experience in affairs as the present Secretary of State for India. But I believe that if these points are reconsidered by the Government it will be found possible to do all that can be desired by preserving the present number of members, that you will have a much better security by keeping to the present salaries, and that if you carry the Bill reducing the number of years service and the number of years pay after leaving India, you will have achieved a very valuable reform without impairing the usefulness of a body whom we all desire to see as efficient as possible.

On Question, Motion agreed to. Bill read 2ª accordingly, and committed to a Committee of the Whole House on Monday next.

MERCHANT SHIPPING (TONNAGE DEDUCTIONS FOR PROPELLING POWER) BILL.

House in Committee (according to Order). An Amendment made. Standing Committee negatived. The Report of Amendment to be received on Tuesday next; and Bill to be printed as amended. (No. 180.)

THE MARQUESS OF SALISBURY: When does the noble Lord propose to take the Third Reading of the Bill?

THE EARL OF GRANARD: Whenever it will suit the noble Marquess. I should like to take it as soon as possible.

THE MARQUESS OF SALISBURY: I would only remind the noble Lord that the evidence of the Committee is not yet printed, and I will ask him not to take it until next week.

THE EARL OF GRANARD: Very well.

NATIONALTY CONVENTION WITH THE REPUBLIC OF HAYTI.

*LORD NEWTON: I will not detain the House more than a minute or two in reference to this matter, but I wish to give my noble friend opposite an opportunity of making a statement upon the subject. Briefly, the facts are as follows. In April, I think, of last year, the British Consul-General in Hayti concluded a convention with the Haytian Government under which all coloured persons of British origin who were born after 1889 became Haytian citizens, and all Haytian subjects in the same position who were born in British territory became British subjects. It will be observed that this is a retrospective Convention. There would be nothing to be said against it if equal advantages were obtained by both sides, but although it is obvious that there may be considerable advantages in becoming a British subject there are no apparent advantages in becoming a subject of the Republic of Hayti. I never heard anyone express a desire to become a member of that community, and I do not think anybody is likely to come across anyone possessing peculiar wishes of that kind. I am given to understand that those persons who are affected consider themselves naturally somewhat aggrieved, and although I am well aware that it is very inconvenient, in some instances, that there should be British subjects who are not particularly desirable acquisitions, and who have to be protected, and so forth, yet I confess that it seems rather hard that persons who have been brought up in the belief that they were British subjects should now be placed in a position of becoming citizens of the Haytian Republic. I would therefore ask my noble friend to make a statement upon this point. I should like to know whether any expressions of dissatisfaction have reached him, and I should also like to ask him whether it is the case, as I have been assured, that a similar Convention was proposed to the French Government and the German Government, and that in both cases those two Governments refused to entertain the proposal.

THE UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS (Lord FITZMAURICE): I shall be very glad to make a short statement in reply to the interesting points with regard to the law of nationalisation and nationality in Hayti which my noble friend has raised. The facts are as follows, and I think my noble friend will see that there is a good deal of misapprehension on the subject. The Convention signed at Port au Prince on the 6th April, 1906, was concluded in order to settle various questions of nationality which had arisen between the United Kingdom and Hayti. Certain claims were made against the Haytian Government by persons (mainly of West Indian descent, and mostly, I believe, of Jamaica) whom his Majesty's Government held to be British subjects, but whom the Haytian Government considered as Haytian citizens under Article 3 of the Constitution of 1889. The third paragraph of this Act runs as follows :—

> "All persons born in Hayti of a foreign father or, if not recognised by the father, of a foreign mother, are Haytian subjects provided that they are of African descent."—

while Article 6 of the same Constitution states that only Haytian subjects can hold real property in Hayti. In view of those Articles in the Constitution, and of the claims made by the persons above referred to, it was considered eminently desirable to end the disputes regarding questions of nationality by the conclusion of some arrangement with the Haytian Government; and, on the Haytian Government submitting a draft Convention on the subject, His Majesty's Government expressed their willingness to come to some settlement. These negotiations resulted in the signature of the Convention of 1906 which I have already mentioned. The chief points to be noted with regard to this Convention are that only persons of British origin who have been born in Hayti since the promulgation of the Constitution of 1889 and whose nationality is fixed by Art. 3, par. 3, of the Constitution, already quoted, are regarded as Haytian subjects, while resident in the Republic. Consequently, children of white parents not descended from the African race cannot, even if born after the Constitution of 1889, be claimed as Haytian subjects, unless in cases where a white subject should marry a woman of African descent and have issue by her. No such case is, however, at present known. The large majority of the persons affected are those who since the Constitution of 1889 was promulgated, have been born in Hayti of parents of African descent and who, through their education, associations, and practically everything else, can only be rightly described as Haytian citizens and whose nationality in fact is regarded as Haytian. In most cases these persons are unable to speak English, and are entirely Haytian in instinct, customs, and habits. Art. 1 of the Convention is additionally safeguarded by Art. 6, the first paragraph of which is as follows—

> "The names of the British subjects now resident in Hayti shall be communicated by His Britannic Majesty's Consul General to the Haytian Government, and provided that they have hitherto been regarded as foreigners in Hayti shall receive diplomatic protection from His Majesty's Government."

Those persons who, under this Convention, become subjects will, of course, enjoy all rights and advantages possessed by Haytian citizens, and will be entitled to hold all kinds of real property, from which they are now excluded. As far as the Foreign Office is aware, no negotiations have taken place between the German and the French Governments and Haytian Government with regard to the conclusion of any similar Convention. With regard to the question of whether any complaint has been lodged at the Foreign Office, I may say that there was a question asked in the House of Commons the other day by a Member of Parliament of the Secretary of State, and an outline of the same reply which I have now given was communicated to him; but, with that exception, I am not aware that there has been any complaint.

BUSINESS OF THE HOUSE.

THE MARQUESS OF RIPON: I move that the House do now adjourn. I believe that the noble Duke opposite (the Duke of Northumberland) and others are anxious that I should now state what course it is intended to take with the Deceased Wife's Sister Bill. The intention of the Government is to move the Second Reading on Tuesday next, and the Bill will be in charge of Lord Tweedmouth.

THE DUKE OF NORTHUMBERLAND: Will it be the first Order of the day?

THE MARQUESS OF RIPON: I have not actually considered the Order, but as far as I know it will be.

THE DUKE OF NORTHUMBERLAND: I only want to know whether it will be practically the first Order. It will not, I presume, be treated like the Tonnage Bill of last night.

THE MARQUESS OF RIPON: I have every anticipation that there will be a long debate, and I will endeavour to give proper time for it.

House adjourned at twenty-five minutes before Nine o'clock, till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS.

Thursday, 15*th August*, 1907.

The House met at a quarter before Three of the Clock.

PRIVATE BILL BUSINESS.

Colne Valley Water Bill [Lords]; Glasgow Corporation Bill [Lords]. Read the third time, and passed, with Amendments.

YORK (MICKLEGATE STRAYS) (RE-COMMITTED) BILL [LORDS].

The Select Committee on the York (Micklegate Strays) (re-committed) Bill [Lords] was nominated of,—Mr. Charles Corbett, Sir Joseph Leese, Mr. George Nicholls, Mr. John O'Connor, Mr. Parker, Earl of Ronaldshay, and Mr. Waterlow.

Ordered, That the parties interested have leave to be heard by themselves, their counsel, agents, or witnesses.

Ordered, That the Committee have power to send for persons, papers, and records.

Ordered, That Three be the quorum.—(*Mr. Whiteley.*)

Dumbarton Burgh and County Tramways Order Confirmation Bill [Lords]; Dumbarton Burgh Order Confirmation Bill [Lords]. Considered; to be read the third time upon Monday next.

Aberdeen Harbour Order Confirmation Bill [Lords]. Order for Second Reading read, and discharged. Bill ordered, under Section 7 of The Private Legislation Procedure (Scotland) Act, 1899, to be considered To-morrow.

Order [14th August] that the said Bill be printed, read, and discharged.

MESSAGE FROM THE LORDS.

That they have agreed to:—Evidence (Colonial Statutes) Bill, without Amendment.

Amendments to:—Renfrewshire Upper District (Eastwood and Mearns) Water Bill [Lords], without Amendment.

PETITIONS.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

Petition from Southampton, against; to lie upon the Table.

WEEKLY REST-DAY BILL.

Petition in favour: From Cardiff, and London; to lie upon the Table.

RETURNS, REPORTS, ETC.

NAVIGATION OF THE DANUBE (COMMERCIAL, No. 9, 1907).

Copy presented, of Despatch from Lieutenant-Colonel Sir Henry Trotter reporting upon the operations of the European Commission of the Danube during the years 1894–1906, together with a Résumé of its previous History (with Plan) [by Command]; to lie upon the Table.

POOR RELIEF (ENGLAND AND WALES).

Return presented, relative thereto [ordered 12th August; *Dr. Macnamara*]; to lie upon the Table, and to be printed. [No. 309].

FISHERIES (IRELAND).

Copy presented, of Report of the Department of Agriculture and Technical Instruction for Ireland on the Sea and Inland Fisheries of Ireland for 1906. Part I. General Report [by Command]; to lie upon the Table.

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

The Coastguard Service.

SIR W. J. COLLINS (St. Pancras, W.): To ask the Secretary to the Admiralty whether he is now in a position to state what action is contemplated in regard to the Coastguard Service, in consequence of the Report of the Inter-Departmental Committee; and whether the Report will be laid upon the Table of the House.

(*Answered by Mr. Lambert.*) I am afraid I can add nothing to the replies which have been given to numerous similar Questions.

Protection of British Subjects at Spitzbergen.

MR. J. D. WHITE (Dumbartonshire): To ask the Secretary of State for Foreign Affairs whether he is aware that some months ago an attack, which nearly had fatal consequences, was made upon a British subject in Spitzbergen, that British lives and property there were in serious danger, and that a message was sent requesting British assistance; if he can state whether any negotiations are in progress to have Spitzbergen placed under responsible national or international control; and whether he will consider the advisability of promoting some such arrangement.

(*Answered by Secretary Sir Edward Grey.*) His Majesty's Government have received reports of an outbreak which took place in Spitzbergen last spring, in the course of which injuries were inflicted upon a British subject. The long interval that elapsed between the outbreak and the date when it became known here made it impossible for any British warship to reach the island in time to afford any help, even had the actual situation warranted such a step. In reply to the last part of the hon. Member's Question, His Majesty's Government cannot undertake to initiate negotiations with the object of instituting some kind of control over Spitzbergen Any British subject going to that island for trade or other purposes must do so at his own risk, and we cannot exercise any jurisdiction or assume any responsibility there.

Inland Revenue—Penalties of Irregularities.

MR. FIELD (Dublin, St. Patrick): To ask the Secretary to the Treasury whether, in view of the public proceedings taken and the penalties levied by the Board of Inland Revenue in the case of a firm of whisky dealers at Tullamore (there being no fraud on the revenue), he will state what were the steps taken and the penalties levied when, in or about 1901, it was found that over 1,000 gallons of spirits had been surreptitiously removed, without payment of duty, from a distillery in London; and what action was taken when irregularities were discovered at the same distillery in 1905.

(*Answered by Mr. Runciman.*) The case in 1901 to which the hon. Member alludes was presumably one in which a deficiency of 1,000 gallons was discovered in the spirit store of a distillery. As the deficiency could not be satisfactorily explained, the Board of Inland Revenue exacted the penalty of £1 per gallon, prescribed by Section 44 of The Spirits Act, 1880. In this case no suspicion attached to the proprietors of the distillery. In 1905 at the same distillery an irregularity, but one of no very serious character, was detected on the part of some employees, and a penalty of £50 was imposed.

MR. FIELD: To ask the Secretary to the Treasury whether the supervisor in charge of the London distillery in which irregularities took place in or about 1901 was ordered to be removed, but, notwithstanding that order, was left in charge until 1905, when irregularities were discovered, this official being then retired; whether he had been a colleague at this distillery of the then Chief and Assistant Chief Inspectors of Excise; whether the then Chief Inspector was responsible for seeing that the supervisor was removed in 1901; whether he is aware that, when the supervisor was retired in 1905 or 1906, the officer appointed to succeed him was the close official friend of the Chief and Assistant Chief Inspectors, and was appointed on the recommendation of the former over the heads of about 100 of his seniors, contrary to the rules of the Department; and whether, having regard to the Answers given in this House last session in respect to this appointment, he will state what was the result of the examination of this official when he was allowed to compete at the last competition for inspectorship, contrary to the regulations.

(*Answered by Mr. Runciman.*) I am informed that no order for removal of the supervisor was given in 1901. He remained in charge till 1905, when he had passed the age of sixty, and the Board of Inland Revenue, not being satisfied that he remained thoroughly efficient, called upon him to retire. There was no imputation on his integrity. The circumstances connected with the appointment of his successor were fully explained in reply to a series of Questions put by the hon. Member for the Leix Division of Queen's County in February and March, 1906. There is no foundation for the suggestions conveyed in the present Question as regards relations between the officer in question and his superior officers. He was not amongst the successful condidates at the last competition for the inspectorship.

The Parliamentary Debates.

Mr. BYLES (Salford, N.): To ask the Secretary to the Treasury whether the contract for the reporting and printing of Hansard has been renewed to the present contractors for next session; if so, whether such conditions have been stipulated for as will prevent the recurrence of the oppressive overwork to which reference is made in the Report of the Select Committee on Parliamentary Reporting; and whether, if not too late, he will consult the present reporters as to the conditions which should be imposed with respect to the number of men to be employed in note-taking, the hours of duty, and the salaries usually paid for such work.

(*Answered by Mr. Runciman.*) The Answer to the first part of the Question is in the affirmative. It was not found possible, in the circumstances, to make any substantial modifications in the conditions of the contract, which is for the duration of next session only.

Out-Relief in Halifax.

Mr. PARKER (Halifax): To ask the President of the Local Government Board whether his attention has been called to a statement by Mr. P. H. Bagenal, Local Government Board inspector, that the amount of out-relief in Halifax was too high, and that it ought to be reduced; whether Mr. Bagenal intended to refer to outdoor relief to the sick who were unable to pay for necessary medical attendance and other necessaries for their condition, to the deserving aged poor, and to widows with a dependent child or children whom they were bringing up respectably but were unable to support without Poor Law help; whether he had himself visited the homes of the poor in Halifax before making the above statement and suggestion; whether in the appendix to the 35th Annual Report of the Local Government Board there were any other reports of inspectors other than Mr. Hervey and Mr. P. Bagenal, in which the cost of in-maintenance was by mistake stated as the cost of in-relief; and whether any books or papers laid by the Local Government Board or its inspector before the Poor Law Commission had the same or a similar mistake.

(*Answered by Mr. John Burns.*) I have seen a newspaper paragraph on the subject referred to in the first part of the Question. Mr. Bagenal informs me that, when he addressed the Halifax Guardians he referred to the total amount spent on outdoor relief generally in their union as compared with that in some other unions. He made no specific allusion to the particular classes mentioned in the Question, nor had he visited the homes of the poor in Halifax. His object was to induce the guardians to make some alterations in their method of administering relief and to increase their staff of relieving officers. The term "indoor relief," or "in-relief," is not used as synonymous with "in-maintenance" in the reports of the other inspectors referred to in the latter part of the Question. I am not aware that it has been so treated in any books or papers laid before the Poor Law Commission by officers of the department, but I have no complete information on this point.

Employment of Police Constables as Water Bailiffs in Dumfriesshire.

Mr. MOLTENO (Dumfriesshire): To ask the Secretary for Scotland whether he is aware of the dissatisfaction felt in Dumfriesshire at the employment of police constables as water bailiffs; and what action he proposes to take.

(*Answered by Mr. Sinclair.*) The Secretary for Scotland has no power to interfere in this matter. The constables employed as water bailiffs are "additional" constables paid by the district fishery boards, who make arrangements with the county council.

Short Platforms on the South Eastern and Chatham Railway.

MR. STRAUS (Tower Hamlets, Mile End): To ask the President of the Board of Trade whether he is aware of the fact that many of the platforms of important stations on the old London, Chatham, and Dover line are too short to accommodate an ordinary train, necessitating the train drawing up two or three times and consequently endangering the safety of the public, as well as wasting a great deal of time; and whether he can make representations to the railway company now controlling this line to lengthen the platforms and avoid the danger and inconvenience to the public.

(*Answered by Mr. Lloyd-George.*) The Board of Trade have communicated with the managing committee of the South Eastern and Chatham Railway in this matter and have received the following reply:—

"South Eastern and Chatham Railway,
"General Manager's Office,
"London Bridge Station, S.E.
"*14th August*, 1907.

"Sir,—I am in receipt of your letter of the 14th instant, R.10187, enclosing notice of a Question which Mr. B. S. Straus proposes to ask the President in the House of Commons to-morrow (Thursday) relating to the platform accommodation at certain stations on the Chatham section of this railway.

"In reply I would point out that Mr. Straus does not specify the stations to which he refers nor does he give the particular trains affected.

"At the same time, I may say that at some of our stations it is undoubtedly impossible to lengthen the platforms owing to various circumstances arising at the particular places, *i.e.*, in most cases it is either impossible to obtain the land requisite for the extension or to carry out the same without heavy and expensive works.

"The trains, as you are aware, vary as to length, and the traffic at different seasons of the year, and especially at the present time, is very heavy, rendering unavoidable the addition of extra coaches."

If my hon. friend furnishes me with particulars of the stations or trains he has in mind, I will consider whether further representations can usefully be made to the managing committee.

Gooseberry Mildew—Prohibition of Importation of Bushes.

MR. BECK (Cambridgeshire, Wisbech): To ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, whether the Board intend to prohibit temporarily the importation of gooseberry bushes and standards on Ribes aureum stocks, in view of the danger of the further introduction into this country of the American gooseberry mildew on such imported plants.

(*Answered by Sir Edward Strachey.*) The Board are now considering the terms of an order prohibiting the importation of plants and bushes bearing edible fruit except by a licence to which conditions will be attached with the object of preventing the introduction not only of the gooseberry mildew but also of other pests injurious to horticulture.

Punjaub Revenue Assessments Agitation.

MR. REES (Montgomery Boroughs): To ask the Secretary of State for India whether the agitation in the Punjaub against the existing revenue assessment is due in a great measure to the fact that the land has, to a great extent, passed into other hands than those of the actual cultivators; whether the new landlords, who have replaced the original cultivators, object to the payment of the share due to the Government; and whether, in view of criticisms of the Government in this behalf, proceeding from representatives of such landlords, he will resist proposals to reduce the assessment now collected from the landlords for expenditure upon the general public, including the expropriated agriculturists.

(*Answered by Mr. Secretary Morley.*) I am not aware of an agitation in the Punjaub against the revenue assessment. As I stated in the Answer which I gave to a Question on the 16th July, the amount of the land tax was mentioned as a grievance in the case of the disturbances as Rawal Pindi only, in which district the assessments had been recently revised. I am not able to say how far the objections to the revised assessments in that district were confined to new purchasers of land. The Local Government will, as I have stated, deal considerately with any genuine instance of over-assessment which may come to light, whether the complainants are agriculturists or otherwise.

The Army Reserve.

Mr. ASHLEY (Lancashire, Blackpool): To ask the Secretary of State for War what percentage of men who, during the last ten years have completed a service of seven years with the colours and five years in the Reserve, have been permitted to remain in the Reserve for a further period of four years.

(*Answered by Mr. Secretary Haldane.*) I would refer the hon. Member to the figures given on page 110 of the General Annual Report [Cd. 3365], where the number of men re-enlisted or re-engaged in Section D during the last ten years are shown, and also the number of men discharged from the other sections of the Reserve on completion of engagement. It must be pointed out that these figures are not limited to men originally enlisted for seven years, and also that the numbers entering Section D include some men who go direct from the colours after the completion of twelve years service and consequently have no previous Reserve service.

Committee of Defence—Position of Secretary.

Mr. BELLAIRS (Lynn Regis): To ask the Prime Minister, as Chairman of the Committee of Imperial Defence, whether the post of Secretary to the Committee of Imperial Defence has yet been filled; and whether, in view of the importance of the duties, the salary will be continued at the same rate as was the case with its former occupant.

(*Answered by Sir H. Campbell-Bannerman.*) No vacancy will arise in the office in question until October next, when Sir George Sydenham Clarke will take up his duties as Governor of Bombay.

QUESTIONS IN THE HOUSE.

Loch Long Torpedo Range.

Mr. J. D. WHITE (Dumbartonshire): I beg to ask the Secretary to the Admiralty, as the proposed torpedo range in Loch Long would be 7,000 yards long, with a breadth at the target end of only 200 yards on each side of the central line, whether the Admiralty can under take that torpedoes would never diverge from the central line sufficiently to pass from the range into the fairway.

The CIVIL LORD of the ADMIRALTY (Mr. Lambert, Devonshire, South Molton): I must refer my hon. friend to the printed reply to this Question on Tuesday last.†

Mr. J. D. WHITE: I beg to ask the Secretary to the Admiralty whether his attention has been called to the fact that, in the event of the radius of action of torpedoes being increased to six miles and of the proposed torpedo range in Loch Long being correspondingly lengthened, that range would extend down the loch from shore to shore; and whether, in the event of Loch Long being adopted as the site for the proposed torpedo range, the Admiralty would give an undertaking that neither the length nor the breadth of the torpedo range would be increased beyond the limits at present proposed.

Mr. LAMBERT: My hon. friend will, I hope, excuse me from dealing with hypothetical problems as to what would happen in the event of the radius of torpedo action being increased. Such problems can be dealt with when occasion arises. I may add that Loch Long has been selected as the best site, with the most convenient facilities, for a torpedo range in the whole of the United Kingdom.

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† See (4) *Debates*, clxxx., 1046.

H.M.S. "Terrible."

VISCOUNT TURNOUR (Sussex, Horsham): I beg to ask the Secretary to the Admiralty for what reason there was such a lengthy delay in repairing the recent injury to the propeller shaft of H.M.S. "Terrible."

MR. LAMBERT: As the vessel requires heavy repairs to boilers in addition to the replacing of the screw shaft, it was decided to take all the defects in hand at one time. Up to the present it has not been convenient to do this, as it would have entailed postponement in the dates of completion of the repairs of more important vessels. Preparatory work is in progress, and the ship will be taken in hand at an early date.

West Tarring Volunteer Camp.

MR. CLELAND (Glasgow, Bridgeton): I beg to ask the Secretary of State for War whether his attention has been directed to the fact that, owing to the recent Volunteer camps at West Tarring, Worthing, having been planned from an obsolete Ordnance Survey map, ground allocated for military purposes was discovered to be covered with houses and gardens, and great inconvenience was occasioned; and whether in future he will give instructions either that an up-to-date map be used or the ground be surveyed prior to being allocated for camp purposes.

THE SECRETARY OF STATE FOR WAR (Mr. HALDANE, Haddington): The General Officer Commanding-in-Chief will be called upon to make a report on this subject which has not been yet brought to the notice of the Army Council.

The Volunteers.

SIR HOWARD VINCENT (Sheffield, Central): I beg to ask the Secretary of State for War what is the present deficiency of officers in the Volunteer force; how many resigned their commissions; and how many were appointed between 1st January and 31st July of the present year.

MR. HALDANE: The present deficiency of officers amounts to 2,875. The number of resignations in the period mentioned was 473, and the number of appointments was 439.

SIR HOWARD VINCENT: I beg to ask the Secretary of State for War if, having regard to the fact that some 50,000 engagements of Volunteers expire on the 31st October next, when the Volunteer year closes, and the men require time to consider as to whether they will renew them under the altered conditions of the Territorial and Reserve Forces Act, he can state what decision has been arrived at as to putting the Act into force.

MR. GRETTON (Rutland): I beg also to ask the Secretary of State for War, if officers or men joining the Volunteer forces after the 1st November will be required to engage for a fixed period under penalties for default; if not, when this requirement will be enforced; and if officers and men already serving in the Volunteer forces will be required to re-engage under new conditions if they continue to serve as Volunteers.

MR. HALDANE: Until the Territorial and Reserve Forces Act comes into operation, it is not intended to alter existing conditions under which Volunteers enrol It is not anticipated that the Act will come into operation by 1st November next. Officers and Volunteers who may be serving when the Act becomes operative will be given the option of engaging under the new conditions under Section 29 (3) (*a*) of that Act.

SIR HOWARD VINCENT asked whether the right hon. Gentleman would undertake to give as long notice as he could of his intention to bring the Act into force.

MR. HALDANE: Yes. It is essential that it should be well known.

MR. McCRAE (Edinburgh, E.) asked whether it is not the case that under present conditions, except on reaching the age limit, the engagement of a Volunteer does not expire unless by voluntary resignation.

MR. HALDANE: I understand that is the case.

Defective Cartridges at Bisley.

Sir GILBERT PARKER (Gravesend): I beg to ask the Secretary of State for War whether he is aware that George Bishop, quartermaster-sergeant of the 2nd Volunteer Battalion Royal Fusiliers, has been offered by the War Office compensation of £41 8s. for an injury received at class-firing at Bisley from a defective cartridge, which exploded in the chamber, carrying away the locking-piece and part of the shoulder of the rifle, lacerating three of Quartermaster-Sergeant Bishop's fingers, and destroying the drum of the right ear, permanently injuring the hearing; is he aware that Quartermaster-Sergeant Bishop has been paying for medical attendance since 25th May, and that at the present time he is paying 2s. a week as an out-patient of the Ear Hospital, Golden Square; and whether he will consider the advisability of increasing the compensation, representing 28 days at 3s. 6d. per day, given to this non-commissioned officer of twenty-five years service in the Volunteers, who through an injury inflicted by defective ammunition is now unable to perform properly his duties in the shop where he is employed.

Mr. HALDANE: I am not aware of this matter, but an inquiry shall be made into the case.

Railways in Yunnan Province.

The Earl of RONALDSHAY (Middlesex, Hornsey): I beg to ask the Secretary of State for India whether the survey party under Mr. Lilley, of the Indian Public Works Department, despatched by the Government of India from Bhamo in January last to report on the practicability or otherwise of the construction of a railway between Têng Yüeh and Tali Fu, in Yunnan province, has returned to Burma; whether they have reported favourably to the construction of a railway or not; and whether, in view of the interest taken by the mercantile community in this country in the question, their Report or an abstract of their Report will be made accessible to the public.

The UNDER-SECRETARY of STATE for INDIA (Mr. Charles Hobhouse, Bristol, E.): The Secretary of State has received a copy of Mr. Lilley's Reports of his investigations of the country between Têng Yüeh and Tali Fu; but in the present state of the question of railway construction in these regions, it would not be in the public interest to publish these Reports.

Asiatics in Natal.

Mr. J. M. ROBERTSON (Northumberland, Tyneside): I beg to ask the Secretary of State for India whether his attention has been drawn to a recent resolution of the Natal Parliament to the effect that the time had arrived when the Government should take steps effectually to restrict and ultimately abolish Asiatic immigration to Natal, and that all Indians or other Asiatics who may arrive in Natal under indenture from 31st December, 1907, should, after the expiration of their indentures, be repatriated; and whether steps will be taken by the Government of India to prevent indenturing under such conditions.

Mr. HOBHOUSE: In order to carry the resolution, if such a resolution has been passed, into effect, it would be necessary for the Natal Government to induce the Government of India to consent to a revision of the terms of the contract with intending emigrants. Should any such application be made, my hon. friend may be sure that the question will be carefully considered. What precise steps ought to be taken needs a good deal of examination.

South African Constabulary.

Sir HOWARD VINCENT: I beg to ask the Under-Secretary of State for the Colonies what arrangement the Colonial Office is making to provide for the passage home, and for the future employment, of the members of the South African Constabulary who resigned good positions and prospects in His Majesty's services, and otherwise, to assist the State in the Government force in question, and now find themselves stranded upon the reduction of the constabulary to a minimum by the new Transvaal Government in a country where, owing to the labour difficulty and the repatriation of Chinese miners, the Englishman can find no opening.

The UNDER-SECRETARY of STATE for the COLONIES (Mr. Churchill, Manchester, N.W.): Men who enlisted in the South African Constabulary before the 4th January, 1904, are entitled to free passage home on the completion of five years service, and, if they have served with a good character, to a gratuity of one month's pay for every year of service. These advantages will of course continue to be given to men who are entitled to them, but the Secretary of State fears it is out of his power to provide employment for ex-members of the rank and file constabulary. With regard to officers, it has been found necessary from time to time during several years past to dispense with the services of those who become supernumerary to the gradually decreasing establishment. Efforts have been made to find further employment for these officers wherever possible, and such efforts will continue to be made, but the opportunities are necessarily limited.

SIR HOWARD VINCENT: May I ask if any facilities are to be given to members of the South African Constabulary who are not officers and are now dismissed owing to the reduction of the force to return home; whether the right hon. Gentleman is aware that a considerable number of them are likely to be stranded for want of means; and whether their names cannot be noted for employment in connection with Colonial forces in East Africa or elsewhere?

MR. CHURCHILL: All that is a matter which requires very careful consideration. I should not like, in answer to a Question, to give a pledge which it would not be in the power of the Secretary of State to fulfil.

Panama Canal Labourers.

MR. STAVELEY-HILL (Staffordshire, Kingswinford): I beg to ask the Under-Secretary of State for the Colonies what steps the British authorities take to satisfy themselves that the labourers engaged in the British West Indies to work on the Panama Isthmian Canal thoroughly understand the terms of their engagement before leaving.

MR. CHURCHILL: The majority of the labourers from the West Indian Colonies working on the Panama Canal have gone to the Isthmus voluntarily in search of work, and without the cognizance of the Governments. As regards those who have been recruited under contract, the Secretary of State has no doubt that the local Governments assure themselves that the terms of any contract offered are fully understood.

MR. STAVELEY-HILL: I beg to ask the Under-Secretary of State for the Colonies whether he can state what are the regular hours of work for labourers engaged in the British West Indies for employment on the Panama Isthmian Canal; and what system is in force to ascertain that these hours are not exceeded.

MR. CHURCHILL: The matters to which the hon. Member refers come within the purview of the Canal Commission. The British Minister at Panama will be asked to obtain particulars.

Pacific Cable Route.

MR. HAROLD COX (Preston): I beg to ask the Under-Secretary of State for the Colonies whether the decision to take the Pacific Cable via Fanning Island instead of via Honolulu was made on strategic grounds; and, if so, whether any Report was at any time received from the Admiralty to the effect that a cable via Fanning Island would be easier to defend than a cable via Honolulu; and, if so, whether he will lay that Report upon the Table.

MR. CHURCHILL: If the hon. Member will refer to paragraph 7 of the Report of the Pacific Cable Committee, which was presented to Parliament in Command Paper No. 9,247, in April, 1899, he will see that the Committee recommended the Fanning Island route on the ground that the Honolulu route would involve a departure from the principle of using only British territory for landing stations, a principle which had been formally endorsed by the Canadian and Australasian Governments.

MR. HAROLD COX said the right hon. Gentleman had not stated whether any Report had been received from the Admiralty to the effect that a cable by way of Fanning Island would be easier to defend than a cable by way of Honolulu.

MR. CHURCHILL: Obviously that part of the Question should be addressed to the Civil Lord of the Admiralty.

Transvaal Immigration Restriction Bill.

MR. HAROLD COX: I beg to ask the Under-Secretary of State for the Colonies whether Clause 13 of the Transvaal Immigration Restriction Bill, to the effect that the burden of proving that a person has not entered or remained in the Colony in contravention of this Act or any regulation shall, in any prosecution for such contravention, lie upon the accused person, would apply to coloured subjects of His Majesty who are unrepresented in the Transvaal Legislature; and what steps His Majesty's Government propose to take in the matter.

MR. CHURCHILL: The Secretary of State apprehends that the Answer to the first part of the Question is in the affirmative. On the question of the position of His Majesty's Government regarding the Act, the Secretary of State has nothing to add to the statement made in answer to a Question by the hon. Member for East Leeds on the 12th instant.†

Liverpool School of Tropical Medicine.

MAJOR SEELY (Liverpool, Abercromby): I beg to ask the Under-Secretary of State for the Colonies whether, in view of the work already accomplished by the Liverpool School of Tropical Medicine in combating tropical diseases, he can arrange for an increased grant to be made in order that the work may be further extended.

MR. CHURCHILL: A further grant will be made of which the Secretary of State will be able to specify the amount after consultation with the Treasury.

Tax on Asiatics in the Transvaal.

DR. RUTHERFORD (Middlesex, Brentford): I beg to ask the Under-Secretary of State for the Colonies whether, while under the Government of the Transvaal Republic, the £3 fee payable by Asiatics under Law 3 of 1885, as amended in 1886, was very generally not enforced, several thousand British-Indians, being pre-war residents, were, shortly after our annexation, compelled to pay £3 each for the privilege of remaining in the new Colony.

MR. CHURCHILL: I am informed that the provision referred to was not enforced in its full strictness by the Executive Government of the South African Republic. The failure to enforce the special laws affecting Indians caused great dissatisfaction among the white community, and formed the subject of repeated resolutions of the Volksraad calling upon it to enforce them. Eventually in November, 1898, the Executive Council by resolution declared that from 1st January, 1899, local authorities were to compel compliance with the provisions of the law, subject to such concessions as to time—with the extreme limit of six months—as circumstances might demand, and this resolution was being acted upon when the war broke out. I understand that the law has been enforced for the last four years.

Transvaal Immigration Restrictions

SIR WILLIAM BULL (Hammersmith): I beg to ask the Under-Secretary of State for the Colonies whether his attention has been drawn to Clause 6 of the Immigration Restriction Bill recently enacted by the Transvaal Government, under which any person who may be deemed by the Minister, on reasonable grounds, to be dangerous to the peace, order, and good government of this Colony if he remain therein, may be arrested and removed from the Colony by warrant under the hand of the Minister, and, pending removal, may be detained in such custody as may be prescribed by regulation; and whether, when the measure is submitted for Imperial sanction, His Majesty's Government will represent to the Government of the Transvaal the advisability of withdrawing any clause which empowers Ministers to imprison and deport at their discretion and without trial in time of peace.

MR. CHURCHILL: I have seen the clause referred to, but I have already indicated that no statement can be made as to the action which will be taken by His Majesty's Government until the Bill is received in its final form, reserved as it will be for the signification of His Majesty's pleasure.

Mortality among Chinese Labourers in South Africa.

MR. FULLERTON (Cumberland, Egremont): I beg to ask the Under-Secretary of State for the Colonies how many indentured Chinese labourers in

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† See (4) *Debates*, clxxx., 796.

South Africa died during the month of July, 1907; how many were discharged for repatriation during that month; and what was the total number available for the mines on the 1st August, 1907.

MR. CHURCHILL: I have no official information, but according to a Reuter telegram thirty-three died during the month of July, and one was struck off the strength, leaving 51,441 available for the mines on 1st August.

Crime among the Chinese in South Africa.

MR. FULLERTON: I beg to ask the Under-Secretary of State for the Colonies if he will state the total number of crimes committed in South Africa by Chinese coolies up to 31st July, 1907, and the number of convictions for such crimes.

MR. CHURCHILL: The total number of convictions (for all classes of offences) up to 31st January, 1907, was 24,223. No later figures are available.

Repatriation of Chinese.

MR. FULLERTON: I beg to ask the Under-Secretary of State for the Colonies if the cost of returning the time-expired Chinese labourers to their own country is being borne by the mine-owners, or by whom.

MR. CHURCHILL: By the mine-owners.

Orange River Colony Regalia.

MAJOR SEELY (Liverpool, Abercromby): Can the Under-Secretary for the Colonies make arrangements for hon. Members to inspect the new regalia for the Orange River Colony?

MR. CHURCHILL said he had arranged, thanks to the courtesy of the Goldsmiths' Company, that the new Orange River Colony mace and regalia should be placed in the tea-room to-morrow for the inspection of hon. Members who desired to see them.

MR. PATRICK O'BRIEN (Kilkenny): As the Crown jewels were stolen from Dublin Castle, will the right hon. Gentleman take care that the same fate will not overtake the Orange River regalia?

MR. CHURCHILL: The regalia will be adequately guarded.

White Labour in the Rand Mines.

MR. FULLERTON: I beg to ask the Under-Secretary of State for the Colonies what is the ratio of white to coloured men now employed at the Transvaal mines; what was the number of whites employed for every thousand tons of ore raised in July, 1907; and how does this compare with the number employed before the introduction of Chinese labourers.

MR. CHURCHILL: The official figures for June and July are not yet available. For the month of May, the proportion of whites to coloured employed in the Transvaal gold mines was 1 to 10·5, as compared with 1 to 5·9 for the month of May, 1904, immediately before the introduction of the Chinese. The number of whites per thousand tons of ore hoisted was, for May, 1907, 10·1; and for May, 1904, 15·9.

Sino-Burmese Frontier.

THE EARL OF RONALDSHAY: I beg to ask the Secretary of State for Foreign Affairs whether the Chinese Government have yet accepted the demarcation of that part of the Sino-Burmese frontier known as Scott's line.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir EDWARD GREY, Northumberland, Berwick): The Answer is in the negative, and the matter is still under discussion.

Egyptian Military Service.

MR. J. M. ROBERTSON: I beg to ask the Secretary of State for Foreign Affairs whether he is aware that the sums paid in Egypt for exemptions from military service in the first four months of 1907 have amounted to £E124,520, as against £E62,580 for the same period of last year; and whether, in view of this drain upon the resources of the poorest inhabitants, any, and what, reform is contemplated in the law of conscription.

SIR EDWARD GREY: I have nothing to add to the Answer returned to the Question asked on this subject by the hon. Member on 21st February last.†

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† See (4) *Debates*, clxix., 1035–6.

Cairo Girls' School Teachers' Resignations.

Mr. J. M. ROBERTSON: I beg to ask the Secretary of State for Foreign Affairs, whether Miss Board and Miss Broderick, of the Sanieh Girls' School, Cairo, and Miss Bingham, of the Abbas Girls' School, Cairo, have sent in their resignations to the Egyptian Ministry of Education; if so, whether he can state the grounds of the resignations; whether they are to be replaced by three lady teachers from England; and, if so, whether the latter possess any knowledge of Arabic.

Sir EDWARD GREY: This is a detail of administration which must be left to the Egyptian Government, and in which I cannot interfere. The question of a knowledge of Arabic is always taken into account when possible.

Egyptian School of Agriculture.

Mr. J. M. ROBERTSON: I beg to ask the Secretary of State for Foreign Affairs, whether, by an arrangement between the Egyptian Ministries of Public Works and Finance, it has been decided to offer a monthly allowance of £E10 per month to students entering the School of Agriculture who have obtained primary certificates, and £E12 to those who have obtained the secondary certificate, in order to encourage entries into the school; and whether this subsidising of students is resorted to because the fact that all instruction in the School of Agriculture is given in English has the effect of deterring those who would otherwise enter.

Sir EDWARD GREY: I will inquire as to the facts referred to, but with regard to the assumption in the last part of the Question I must point out that it is quite contrary to the general policy of the Egyptian Government, which has been to give instruction in English where it satisfies a demand, not where it would do the contrary.

Turco-Persian Frontier Commission.

Mr. LYNCH (Yorkshire, W. R., Ripon): I beg to ask the Secretary of State for Foreign Affairs whether he has yet received any Reports as to the proceedings of the Turco-Persian Joint Commission for the purpose of delimiting the frontier between Turkey and Persia; and whether, in view of the fact that more than a year has now elapsed since the arrival on the spot of the first Commission, and that the delay has been attended by serious border warfare, he will now endeavour, in pursuance of the policy followed in this question since 1843, to bring about a speedy settlement of the dispute in conjunction with the Russian Government.

Sir EDWARD GREY: I have no further information. I understand that the Turkish members of the Commission are still at Mosul, and it is stated, though not officially, that they are to proceed to the scene of the recent disturbances to make a joint inquiry with the Persians. With regard to the second part of the hon. Member's Question, His Majesty's Ambassador at Constantinople has been acting in the matter in consultation with his Russian colleague.

Turkish Raid into Persia.

Mr. LONSDALE (Armagh, Mid.): I beg to ask the Secretary of State for Foreign Affairs whether he can state the result of representations to the Porte with reference to the incursion of troops on the Persian frontier.

Sir EDWARD GREY: I would refer the hon. Member to the Answer which I returned yesterday to the hon. Member for West Nottingham.†

Brussels Sugar Convention—New General Act.

Mr. LONSDALE: I beg to ask the Secretary of State for Foreign Affairs whether he is in a position to communicate the terms of the new general Act adopted by the Permanent Committee of the Brussels Sugar Convention: and whether this Act will have to be ratified by Parliament.

Sir EDWARD GREY: The Answer is in the negative in both cases.

Kaid Sir Harry Maclean.

Mr. LONSDALE: I beg to ask the Secretary of State for Foreign Affairs whether he has official information of the release of Kaid Sir Harry Maclean.

Mr. FELL (Great Yarmouth): May I also ask the Secretary of State for

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† See (4) *Debates*, clxxx., 1274.

Foreign Affairs, if he can state whether Kaid Maclean has been released, or what prospects there are of his early release; and if any steps to this end are being taken by the Government.

SIR EDWARD GREY: The Answer is in the negative. As stated in my Answer of the 12th instant, His Majesty's Minister at Tangier is doing all he can to obtain Sir H. Maclean's release. But we have not yet heard that it has been accomplished.

MR. FELL: Is our Minister in direct communication with the chief who is holding the Kaid, or are the negotiations being made through the Moorish authorities?

SIR EDWARD GREY: He is taking whatever steps he can to secure the release of the Kaid.

Mr. Abbott's Ransom.

MR. FELL: I beg to ask the Secretary of State for Foreign Affairs, if the ransom paid to the Turkish brigands for the release of Mr. Abbott has been repaid by the Turkish Government; and, if not, when it is expected it will be repaid.

SIR EDWARD GREY: The culprits have been arrested, and a considerable part of the ransom recovered, and I have every reason to hope that a satisfactory settlement of the question will be reached. But I am unable to say more than this at present.

Employment of Crippled Girls.

MR. CHIOZZA MONEY (Paddington, N.): I beg to ask the Secretary of State for the Home Department, whether his attention has been directed to the fact that a concern called Platinum Substitutes, Limited, has started a factory at East Road, Hoxton, in which 30 crippled girls supplied by the Ragged School Union and paid at the rate of 3s. to 5s. a week, plus an allowance for meals, are employed in a process of enamelling copper strips with a coating of glass; whether he can state if these cripples are employed for normal factory hours, whether the certifying surgeon has certified the girls to be fit for such employment; and what steps he proposes to take to prevent the exploitation of cripples in the interests of a joint stock company.

*THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.): The Medical Inspector of Factories has furnished me with a report upon the place mentioned in the question. 31 crippled girls and young women are employed in fusing thin pieces of glass on copper strips by means of a blow-pipe flame. The rate of wages paid is, I understand, as stated in the question, except that no allowances are made for meals. Some irregularities in the hours worked occurred when the place was first opened, but the hours prescribed by the Act are now being observed, and all the girls have been certified by the certifying surgeon. Further inquiries are being made by the Lady Inspectors.

Motor Bus Breakdowns.

MR. BOWERMAN (Deptford): I beg to ask the Secretary of State for the Home Department whether his attention has been drawn to the inconvenience and annoyance caused to passengers using motor omnibuses by the frequent breaking down of such vehicles; whether the remedy for such inconvenience and annoyance is for the passengers to demand the return of the fares they have paid, or to insist upon being conveyed to their destination by another omnibus belonging to the same company; and whether the police, if appealed to by such passengers, are in a position to insist upon either of these alternatives being given effect to.

MR. GLADSTONE: Only one complaint has reached the police of the conductor of an omnibus which had broken down refusing to return the fare. The complainant was referred to a solicitor. The police have no power to decide disputes of this character, or to require either the return of the fare or the continuance of the journey in another omnibus.

MR. BOWERMAN: I beg to ask the Secretary of State for the Home Department whether his attention has been drawn to the inconvenience caused to traffic by the number of motor omnibuses continually breaking down, especially in the more crowded thoroughfares within the Metropolitan district, thereby obstructing other vehicular traffic in many cases for lengthened periods; whether any special instructions have been given to the police whereby a speedy removal from the streets of such derelict omnibuses may be effected; and, if not, whether he will consider the propriety of taking some action in a matter so greatly affecting the convenience of the community at large.

MR. GLADSTONE: Motor omnibuses, like all other forms of motor vehicles, occasionally break down, and no regulations can prevent this. No special instructions have been given to the police as to the removal of derelict omnibuses from the streets, but the companies concerned endeavour to minimise the resulting obstruction by employing travelling engineers to remedy defects expeditiously. The omnibuses are carefully inspected before being licensed, and, moreover, as machinery improves, breakdowns are likely to become less frequent.

Gisuppi Farnaro.

MR. THORNE (West Ham, S.): I beg to ask the Secretary of State for the Home Department whether he is aware that Gisuppi Farnaro, a prisoner, who was convicted in May, 1894, by Mr. Justice Hawkins at the Central Criminal Court, has broken down in health; and whether he will consider the question of ordering his immediate release.

MR. GLADSTONE: The prisoner is in poor health, and is receiving treatment in association in the prison hospital. He is weak minded, though he cannot be certified as insane, and, like other prisoners classed as weak minded, is not subject to the ordinary prison discipline. I regret that, in view of the nature of his crime and his mental condition, I do not feel justified in advising his release.

Civil Rights of Prison Officials.

MR. WILES (Islington, S.): I beg to ask the Secretary of State for the Home Department whether, considering that regulations now in force in His Majesty's prisons prevent members of the staff attending the annual conference of the Ex-Naval and Military Civil Servants Association, he can see his way to grant prison officials similar facilities as are given in other Goverment Departments.

MR. GLADSTONE: I have given instructions that members of this Association who are in the prison service should be allowed, subject to the needs of the Service, special leave, without pay, to attend the annual conference of the Association, and that they may also, subject to the same condition, use part of their annual leave for this purpose.

Bath Magistrates and the Right of Affirmation.

MR. T. F. RICHARDS (Wolverhampton, W.): I beg to ask the Secretary of State for the Home Department, whether his attention has been drawn to the fact that, in a recent case tried before the Bath magistrates, a witness who claimed to affirm was denied the right to do so by the chairman, who is also chairman of the Watch Committee who were the prosecutors; whether the Home Office proposes to take any action in this matter; and whether he will take steps by legislation or otherwise to prevent the chairman of a prosecuting committee taking the chair on the bench when cases from the committee are being tried.

*MR. GLADSTONE: My attention was called to this matter on the 14th instant, and I communicated with the Bath magistrates. I am informed that the witness in question claimed to affirm, but as he declined to state either that he had no religious belief or that taking of an oath was contrary to his religious belief, the conditions prescribed by Section 1 of the Oaths Act, 1888, were not complied with, and the magistrates therefore declined to allow him to affirm. In a previous case tried on the same day the witness had taken the oath without any objection. The prosecution in this case was not ordered by the Watch Committee. I see no ground for any action on my part in the matter.

Bail for Poor Prisoners.

MR. MANSFIELD (Lincolnshire, Spalding): I beg to ask the Secretary of State for the Home Department whether the letter he sent to justices throughout the country, after consultation with the Lord Chancellor and the Lord Chief Justice in August, 1906, recommending that in minor offences they should not detain poor prisoners in prisons pending trial, but should release them on their own recognisances, has been generally acted upon or ignored by the justices; whether he will have a Return made of the length of time between committal to quarter sessions or assizes and trial in all cases during the past twelve months in which bail has been refused and the accused detained in prison, with special note of those cases in which the accused has been acquitted; and whether, in cases where his recommendations have been persistently disregarded by benches of magistrates, and accused persons have been unnecessarily imprisoned in consequence, he will place the facts before the Lord Chancellor with a view to further steps being taken in the matter.

MR. GLADSTONE: I issued such a circular as the hon. Member describes, but it referred to poor prisoners who were not of the "criminal, vagrant or homeless class." Offenders of this class are numerous, and to release them on their own recognisances would, of course, be equivalent to discharging them without trial or punishment. Tables are included every year in the Criminal Statistics showing the number of prisoners released on bail, and the numbers detained in prison, and the numbers of both classes acquitted. To give these tables for broken portions of a year would involve much useless labour and expense, but the figures for 1906 will be published in the autumn and will show, I anticipate, an appreciable improvement. I have no reason to think that my recommendations have been disregarded by the magistrates.

All-British Steamship Service.

MR. HAROLD COX: I beg to ask the President of the Board of Trade, whether his attention has been called to the speech of Earl Grey at Halifax, Nova Scotia, declaring that the natural geographical advantages of the Dominion were destroyed by the colossal Imperial blunder of subsidising mail steamers to New York; and whether His Majesty's Government will intimate to the Cunard Company that they are willing to permit that company to substitute a Canadian port for New York in the existing contract.

THE PRESIDENT OF THE BOARD OF TRADE (Mr. LLOYD-GEORGE, Carnarvon Boroughs): I have seen a brief telegraphic summary of a speech by Earl Grey to which my honourable friend doubtless refers. As regards the last part of the question I shall be happy to submit my honourable friend's scheme to the informal Committee which is examining practical proposals for the establishment of an all-British steamship service and I have no doubt that it will be carefully considered together with other schemes having a similar object.

SIR H. VINCENT asked if the right hon. Gentleman was in a position to tell the House what subsidy it was proposed to give by the Treasury to the all-red route.

MR. LLOYD-GEORGE thought that question was rather premature.

SIR GILBERT PARKER asked if it was not a fact that an alteration in the present mail service would not be justified unless a fast bi-weekly steamship service to Canada were established on a scale equivalent to that afforded by the Cunard Company's present service.

MR. HAROLD COX: Who is responsible for what is described by Earl Grey as "the colossal Imperial blunder in subsidising mail steamers to New York"?

MR. LLOYD-GEORGE: I do not think that those were the words used by Earl Grey. My recollection is that he was denouncing the Cunard subsidy, and with that I cordially agree.

Life Insurance.

MR. J. MACVEAGH (Down, S.): I beg to ask the President of the Board of Trade, whether he has made further inquiries into the action of those insurance companies who issue policies to persons who have no assurable interest in the policies; and if he will consider during the recess whether, by a commission of inquiry or otherwise, this practice can be stopped.

MR. LLOYD-GEORGE: I promised the hon. Member, in reply to a Question he asked me last month to consider any definite information that he could furnish on this point. He has supplied me with some newspaper cuttings, but I do not find in them such evidence of the existence of the practice complained of as would justify action on the part of the Board of Trade.

MR. J. MACVEAGH: Seeing that this practice is most injurious to that class which is least able to protect itself cannot the right hon. Gentleman take steps to forbid it?

Mr. LLOYD-GEORGE: I would do so if I had sufficient evidence.

Australian Tariff.

Mr. CHIOZZA MONEY: I beg to ask the President of the Board of Trade if his attention has been directed to the fact that, under the new Australian preferential tariff, British goods heretofore admitted free of duty, *e.g.*, saws, iron pipes, cartridges, &c., will in future be liable to heavy duties calculated entirely to exclude them from Australia; and if he will communicate with Sir William Lyne on the subject, reminding him of the solicitude for British export trade expressed by Mr. Deakin and himself at the Colonial Conference.

Mr. LLOYD-GEORGE: I am not yet in possession of the complete new Australian tariff and I am consequently unable to form a final opinion in regard to its effect on British trade. I understand, however, that certain articles (including those mentioned in the Question) which were previously free, are now to be subjected to duty.

Patent Office Fees.

Mr. BARNES (Glasgow, Blackfriars): I beg to ask the President of the Board of Trade if he is aware that the Patent Office fees yield a profit of nearly 100 per cent. over the cost of maintenance, and that the American Patent Office issue patent protection for seventeen years for fees less than those charged by the British office for fourteen years' protection; and, having regard to all the circumstances, will he bring about a reduction of fees in this country in the interest of poor inventors.

Mr. LLOYD-GEORGE: I am aware that of late years the Patent Office fees have yielded a considerable profit, but at the present time whilst the office expenses are rapidly increasing and new duties are being thrown on the office by the Patents and Designs Bill I can give no undertaking to reduce them; nor do I believe that it would be to the interests of poor inventors to substitute for our present fees those chargeable in the United States which would benefit the comparatively small number of successful inventors at the expense of the much larger number of unsuccessful inventors who can less afford to pay. I will cause to be printed with the votes a statement showing the comparative cost of patents in the United Kingdom and United States respectively.

Canada and the All-Red Route.

Mr. LONSDALE: I beg to ask the President of the Board of Trade whether the Canadian Government have communicated the extent of the financial support they are prepared to render to the project of an all-red route from Great Britain to Australia across Canada; and whether any statement can yet be made in reference to the proposal.

Mr. LLOYD-GEORGE: I am unable at the present stage to add anything to what I have already stated to the House on this subject.

Sugar Refining Industry.

Mr. FELL: I beg to ask the President of the Board of Trade if there has been any increase in the amount of sugar refined in this country since the Sugar Convention came into force; and, if so, can he give the number of additional persons employed in the industry for each year since the Convention.

Mr. LLOYD-GEORGE: There are no official records of the quantity of sugar refined in this country prior to the Sugar Convention coming into force. Since that date the quantities have been as follows:—

	Cwts.
4 months Sept. to Dec. 1903	3,662,000
1904 - - - - -	11,640,000
1905 - - - - -	11,617,000
1906 - - - - -	11,833,000

I am unable to state the numbers of persons employed in this industry for years later than 1901, the date of the last Census.

Guardians' Offices and Friendly Societies.

Mr. T. F. RICHARDS: I beg to ask the President of the Local Government Board whether there is any regulation of the Local Government Board forbidding boards of guardians from letting rooms in union offices, subject to a reasonable rental, for the accommodation of trade unions or friendly societies who may wish to hold meetings of their branches or lodges on other than licensed premises.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (MR. JOHN BURNS, Battersea): There is no such regulation. On the contrary, the Local Government Board, whose sanction would be necessary to the letting, have expressed their willingness to give their sanction, subject to the guardians reserving to themselves the power to determine the arrangement should it be found to interfere with the use of the building for poor law purposes.

Postmen's Wages.

MR. CHIOZZA MONEY: I beg to ask the Postmaster-General, with reference to the Report of the Select Committee on Post Office Wages, which recommends that London postmen's wages should range from £49 to £91 a year, whether he is now aware that the Berlin postmen's wages range from £63 to £93 a year; and whether, in view of the fact that German wages generally are lower than British wages, he will level up British postmen's wages to a proper standard.

I beg also to ask the Postmaster-General if his attention has been directed to the fact that, although the London postal porters maximum wages of 30s. per week have not been increased since 1882, or during a period of rather more than 25 years, the Report of the Select Committee on Post Office Wages does not recommend that an increase in that maximum should now be made, while it states that its recommendations are sufficient for a considerable period; and whether, in view of the increased cost of living and the consequent real decrease in wages sustained by the postal porters, he can see his way to increase the maximum to at least £100 a year.

THE POSTMASTER-GENERAL (Mr. SYDNEY BUXTON, Tower Hamlets, Poplar): I will answer these two Questions together. I have already informed my hon. friend that the Report as a whole is receiving my most careful consideration; and I do not think it would be advantageous to enter upon a discussion of particular points in regard to it. But, as he makes a specific comparison between Berlin and London it may be well, in order to avoid misapprehension, to point out that the comparison is inaccurate, and the figures are therefore misleading. Before a Berlin postman can reach the minimum to which my hon. friend refers, he has, I understand, to perform nine or ten years' unestablished service on much lower pay. After a similar length of service the London postman would have arrived at or near the top of his scale. Moreover, the London postman, in addition to the maximum, is eligible for stripe allowances, up to an amount of 6s. a week. Thus the maximum remuneration recommended by the Committee is 41s. a week or about £107 per annum in the case of the Central London postman. In addition there are pension rights, uniforms, boot allowance, sick pay, &c. The hours of the London postman are forty-eight a week; those of the Berlin postman are, I understand, considerably longer.

Telegraphists and Volunteer Camps.

MR. CLELAND: I beg to ask the Postmaster-General whether his attention has been directed to the fact that telegraphists in the postal service who attend the annual camp training of their Volunteer battalion have either a week's pay deducted or lose a week's leave; and whether he will take steps to place these telegraphists, when attending such annual camps, on the same footing as other members of the Civil Service.

MR. SYDNEY BUXTON: In accordance with a general Treasury ruling, leave with pay is not granted to officers of the Post Office for the purpose of attending Volunteer camps. I have no power to modify these arrangements.

Cost of West African Mail Service.

MR. WEDGWOOD (Newcastle-under Lyme): I beg to ask the Postmaster-General what sums have been paid for the carriage of mails to and from the West Coast of Africa during each of the last three years; and what average rate this represents per pound carried.

MR. SYDNEY BUXTON: The sums paid for mails sent in both directions were as follows:—

Year.	£.
1904–5 - -	17,499
1905–6 - - -	17,660
1906–7 - - -	18,160

These amounts include payment for foreign and inter-colonial mails. The materials available do not admit of a statement of the rate of payment per pound except in the case of correspondence despatched from this country, for which the rate is estimated to be 6½d. per pound.

MR. WEDGWOOD: I beg to ask the Postmaster-General what shipping companies received payments for carrying mails to the West Coast of Africa during the last completed financial year; and how much each company received.

MR. SYDNEY BUXTON: The particulars are as follows:—African Steamship Company, £7,224; British and African Steam Navigation Company (1900) Limited, £10,936. These amounts include payment for the mails in both directions.

Mortomley School Teachers' Salary.

LORD EDMUND TALBOT (Sussex, Chichester): I beg to ask the President of the Board of Education whether he is satisfied that the salaries due to the teachers of the Catholic school at Mortomley are now actually paid by the local authority of the West Riding.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. McKENNA, Monmouthshire, N.): I understand that the salaries due will be paid forthwith.

Board of Education Medical Bureau.

SIR PHILIP MAGNUS (London University): I beg to ask the President of the Board of Education whether he will state what will be the constitution and personnel of the medical bureau to be attached to the Board of Education, with the view to giving guidance and advice to the medical officers to be appointed by local education authorities to undertake the medical inspection of the children in public elementary schools.

MR. McKENNA: I am in communication with the Treasury on this matter, but I am not yet in a position to make any statement.

Christopher Wharton's School at Stamford Bridge.

LORD R. CECIL (Marylebone, E.): I beg to ask the President of the Board of Education whether he is aware that in October, 1905, the Board of Education sanctioned the use of the endowment of Christopher Wharton's foundation for the erection of a non-provided school at Stamford Bridge, and that on the faith of that sanction, land was conveyed as a site for the school; whether, in June of this year, the Board of Education withdrew their sanction, alleging as a reason altered circumstances; and, if so, why the Board changed the decision which they had in their quasi-judicial capacity arrived at in 1905.

MR. McKENNA: The Board of Education did not in October, 1905, or at any other time, sanction, whether in a quasi-judicial capacity or otherwise, the use of this endowment for the erection of a non-provided school. The Board did, however, inform the trustees of the endowment in December, 1905, that the proposals made by them—which involved the use of the endowment money for the purposes of the rebuilding, but, so far as the Board were then aware, not the enlargement of an existing non-provided school—could only be carried out on the authority of a scheme; and in January, 1906, the Board, in order to assist the trustees, drafted a scheme under Section 75 of the Elementary Education Act, 1870, which the trustees might, if they thought fit, submit for the Board's approval. The trustees took exception to certain provisions of the suggested draft scheme, and it was not until April, 1907, that they adopted it as their own, and submitted it for the approval of the Board. In the meantime it had appeared that the proposals of the trustees involved a substantial enlargement in the numbers of school places provided in the school, which was not before the Board in the original proposal. Moreover, circumstances affecting the position and prospects of non-provided schools in the Kingdom generally, which are as familiar to the noble Lord as to myself, had occurred which, in the view of the Board, rendered it undesirable in the interests of the Foundation itself that endowment money should be sunk in the provision of public school accommodation in non-provided schools.

Walpole House Farm, Norfolk.

MR. GRETTON (Rutland): I beg to ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, what rent has been agreed to be paid to the Crown for that portion of the Walpole House Farm in Norfolk which is to be converted into small holdings?

THE TREASURER OF THE HOUSEHOLD (Sir EDWARD STRACHEY, Somersetshire, S.): The amount of rent is £697 10s. 0d. per annum for the first two years and £775 per annum thereafter, and in addition the lessees will pay interest at four per cent. on the expenditure (estimated at about £3,800) that may be made by the Crown in providing the necessary houses, buildings, fencing, etc.

MR. GRETTON: How many acres have been converted into small holdings?

SIR EDWARD STRACHEY: Roughly speaking 560; 360 are to be let with the old building.

SIR F. BANBURY (City of London): What was the previous rent?

SIR EDWARD STRACHEY: The rent now will be the same as before.

All-Red Pacific Cable.

MR. HAROLD COX: I beg to ask the Under-Secretary of State for the Colonies what is the loss, if any, upon last year's working of the all-red Pacific Cable, and how much of that loss, if any, falls upon the taxpayers of this country.

THE FINANCIAL SECRETARY TO THE TREASURY (Mr. RUNCIMAN, Dewsbury): The accounts of the Pacific Cable for the year 1906–7 have recently been published (Parliamentary Paper No. 250). These accounts are drawn, as required by the Act, to include among the working expenses of the cable the terminable annuity of £77,544 18s., which will repay the capital outlay on the cable in a term of fifty years. On this basis the accounts show a deficiency for the year of £54,923 12s. 2d., of which the portion payable by the taxpayers of the United Kingdom is £15,256 11s. 2d. If the cable were charged merely with the interest payable on the borrowed capital, namely, £60,000 a year, instead of being charged with the annuity for repayment, the total deficiency would be reduced to £37,378 14s. 2d., and the British share would be reduced in proportion. It may be pointed out, also, that the working expenses include a sum of £33,000 carried to renewal account.

Second Division Clerks—Annual Leave.

MR. RENDALL (Gloucestershire, Thornbury): I beg to ask the Secretary to the Treasury whether he is aware that Second Division clerks appointed prior to the Order in Council of 21st March, 1890, are, almost without exception, allowed leave to the extent of twenty-eight days per annum; whether the maximum leave of Second Division clerks appointed subsequent to that Order is twenty-one days per annum; and whether he will consider the desirability of amending the regulations in any future Order in Council by allowing, after ten years service, a maximum of twenty-eight days leave for all Second Division clerks.

MR. RUNCIMAN: I have no information as to the number of Second Division clerks appointed prior to the Order in Council of 21st March, 1890, who are allowed twenty-eight days leave per annum; the maximum amount of ordinary annual leave allowed by that Order in Council is twenty-one days in addition to Christmas Day, Good Friday, the King's Birthday, and, subject to the convenience of the public service, the four Bank Holidays, and a half holiday on alternate Saturdays. I am not prepared to recommend any extension of this maximum.

Free Grant Account—Credit Balance.

MR. J. D. WHITE: I beg to ask the Secretary for Scotland, with reference to the annual fee grant of £40,000, the amount of the Scottish share of the Customs and Excise which, by Section 2 (ii) of the Local Taxation (Customs and Excise) Act, 1890, is to be applied in relief of the payment of school fees of children in State-aided schools in Scotland, together with the annual balance of the Local Taxation (Scotland) Account referred to in Section 2 (6) of The Education and Local Taxation Account (Scotland) Act, 1892, which by that Act is to be applied as a supplement to that fee grant in Scotland, and is to be distributed accordingly, and which amounted to more than £37,000 in the last financial year; if he can state for what reason and under what authority these revenues, instead of being expended annually as fee grants, have been accumulated to such an extent that the credit balance of the Fee Grant Account, at the end of the last financial year, amounted to more than £113,000; and whether he can say to what purposes it is intended to devote these accumulated funds.

THE SECRETARY FOR SCOTLAND (Mr. SINCLAIR, Forfarshire): The credit balance in question has fluctuated from year to year, owing to the variation in the amount received under the Act of 1892, which amount was in some years actually nil. In view of this circumstance, it has not seemed desirable hitherto to raise the fee grant beyond the rate of 12s. per child in average attendance. Now, however, that the balance has attained the figure named by the hon. Member, it is a question whether this rate might not be somewhat increased.

Arrochar Pier, Loch Long.

MR. J. D. WHITE: I beg to ask the Secretary for Scotland if he can say how many persons landed and embarked at Arrochar Pier, Loch Long, in 1906.

MR. SINCLAIR: I have no responsibility with reference to this pier, and have no information which is not equally accessible to my hon. friend.

Dundee Police Wages.

MR. WILKIE (Dundee): To ask the Secretary for Scotland if he will state the nature of the intricate questions as regards the reasonable amount of advance proposed by the Dundee City Council to be given to the policemen of that city; what are the rates of pay of similar police forces as compared with Dundee; and what is the amount of advance approved by the Department.

MR. SINCLAIR: Questions involving increase of pay have to be considered in the light of the pay and advantages enjoyed by other forces in a more or less similar position. The advance recently accorded to the Dundee Police place them in a position of equality with the best paid forces outside those of Edinburgh, Glasgow, and the immediate vicinity of these towns. If the hon. Member desires further particulars I shall be happy to supply them for his personal information.

Dundee Police Clothing.

MR. WILKIE: I beg to ask the Secretary for Scotland upon what principle does the Scottish Department base their grant of 40 per cent. of the cost of police clothing, and what are the regulations as regards the price and quality of the cloths supplied, as it is asserted that the Dundee contractors are unable to compete for the police clothing owing to the conditions fixed by the Scottish Department.

MR. SINCLAIR: The percentage of grant varies from year to year, the amount available for distribution being fixed and the amount of outlay which it has to meet being variable. The auditors admit charges for the various items required for police clothing up to a fixed maximum. For information as to the regulations regarding police clothing, I may refer the hon. Member to the rules issued in 1892 of which I shall be happy to give him a copy.

In reply to a further Question,

MR. SINCLAIR said he understood that a maximum price was fixed for each article of clothing, but the authorities were given full discretion as to how and where to obtain them.

Musselburgh Tramway Strike.

MR. SEDDON (Lancashire, Newton): I beg to ask the Secretary for Scotland whether he has read a leading article in the *Edinburgh Evening Despatch* of 3rd August, in which it was stated that policemen's batons were most effective arguments in the Musselburgh tramway strike, and whether in view of this direct incentive to violence, he could use his good offices among the men on strike to maintain law and order.

MR. SINCLAIR: I think such statements are greatly to be deprecated, and I am willing to do all I can in the direction desired.

Mr. Timothy Rorke.

MR. LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Lord-Chancellor of Ireland has arrived at any conclusion with reference to the continuance of Mr. Timothy Rorke upon the Commission of the Peace.

THE CHIEF SECRETARY FOR IRELAND (Mr. BIRRELL, Bristol, N.): The Lord-Chancellor informs me that he has suspended Mr. Timothy Rorke from sitting as a magistrate until further order, and he is still under that suspension.

Benmore Outrage.

MR. LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether any persons have been made amenable for the offence of shooting and wounding Thomas Corcoran, junior, of Benmore, near Loughrea, on the night of 21st July, and, if not, what is the reason for the failure to bring the perpetrators of this outrage to justice.

MR. BIRRELL: Three persons were arrested for this offence. The case was heard by the resident magistrate at Loughrea, on the 9th instant, when the accused were discharged owing to the insufficiency of the evidence.

Mr. Ginnell, M.P., and Cattle Driving.

MR. LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland, whether he has perused the official report of the speech delivered by the hon. Member for North Westmeath at Strokestown, county Roscommon, on Sunday, when the hon. Member said that the cattle ought to be driven off the ranches, and that the people of Strokestown ought to relieve the pressure on the people of other parishes by giving some occupation to the police thereabouts; and whether he proposes to take action with reference to such incitements to lawless conduct.

MR. BIRRELL: The transcript of the shorthand writer's notes in this case has not yet reached my hands.

Fohenagh Farm Dispute.

MR. CHARLES CRAIG (Antrim, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether Sir Antony MacDonnell has assured the Rev. Mr. Martin, of Ballintubber, that if the United Irish League would give him a guarantee that there would be no further disturbance in the district he would withdraw the extra police who are in the district for the protection of the cattle on the Fohenagh farm, and would see that this farm was divided at the earliest moment; and, if so, under whose instructions Sir Antony MacDonnell was acting when he entered into negotiations with the United Irish League, and what differentiates the Fohenagh farm from others from which cattle have been driven that the Government should adopt this course of negotiation, instead of attempting to vindicate the law by prosecuting those supposed to be guilty.

MR. BIRRELL: I am aware that a report to the effect mentioned in the first part of the Question appeared in a newspaper, but Sir Antony MacDonnell informed me at the time that the report was incorrect. The Rev. Mr. Martin asked Sir Antony MacDonnell to have the police removed from the farm in question, and Sir Antony replied that he would like to have an assurance that the cattle would not be driven off again. Father Martin said he could give no absolute guarantee, but would do all in his power to prevent further interference with the farm, and he believed there would be none. As a result the large force of police at the farm was reduced. No reference to the United Irish League was made by either Sir Antony or Father Martin. Full measures for vindicating the law in this case have been taken. The Attorney-General sent up a Bill against a number of persons at the last assizes, and an adjournment was obtained in order to move for a change of venue. The case is pending.

MR. MOORE (Armagh, N.) asked whether it was the policy of the right hon. Gentleman to abdicate the powers of the Government where assurances could be received from local influential people.

MR. BIRRELL: No, Sir; I never abdicate.

Reinstatement of Evicted Tenants—System of Inspection.

MR. BARRIE (Londonderry, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he proposes to continue the present system under which assistant inspectors first report on claims for reinstatement by alleged evicted tenants and are then required to supervise any sanctioned reinstatements in the same districts and make payment to them of authorised grants and advances from the reserve fund, or whether he will consider the advisability of arranging that these important duties should be discharged by different officers.

Mr. BIRRELL: The Estates Commissioners inform me that the system referred to in the Question was a good one, and worked satisfactorily, and I am not aware of any reason why it should not be continued. I may, however, mention that the special staff of assistant inspectors for evicted tenants' cases has recently been dispensed with, and the expenditure of free grants and advances from the reserve fund is now supervised by the ordinary staff.

Mr. BARRIE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the reports of assistant inspectors, appointed to investigate claims of alleged evicted tenants, are subjected to any system of checking before being adopted by the Estates Commissioners.

Mr. BIRRELL: The reports of assistant inspectors are carefully examined and checked before being adopted by the Estates Commissioners, but, of course, a second inspector is not sent to the locality to inquire afresh into the case unless some special necessity should arise.

Jacob Estate, South Wexford.

Mr. FFRENCH (Wexford, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can say if the Jacob tenants, South Wexford, and their landlord have agreed regarding the purchase of the estate by the tenants; and if the agent, Mr. G. L. Taylor, Fethard, has refused to entertain the claim of Mrs. Marshall, evicted tenant, to purchase her farm.

Mr. BIRRELL: No proceedings for the sale of this estate have been instituted before the Estates Commissioners, and they have no knowledge of any negotiations for sale. No application for reinstatement has been received from Mrs. Marshall.

The Outrage at Glenahira Lodge.

Mr. CHARLES CRAIG: I beg to ask the Chief Secretary for Ireland whether he had received any information with reference to the attempt to murder Lord Ashtown by blowing up his residence at Glenahira, county Waterford, on Tuesday night; whether he knew that the explosive was placed directly beneath the room which Lord Ashtown was occupying; what number of police were stationed in the vicinity, and what personal protection did the police afford Lord Ashtown while he was at Glenahira.

Mr. BIRRELL: I have received a telegraphic report, but full details are not yet to hand. It is the fact that an explosion took place yesterday morning at Lord Ashtown's shooting lodge at Waterford. The explosive was contained in a metal pot placed on the sill of the window immediately below the room in which Lord Ashtown was sleeping. The window was blown in and the furniture damaged, but I am glad to say that Lord Ashtown and the servants escaped injury. Some paraffin bottles containing oil were found by the police, who are pursuing their inquiries. Lord Ashtown has declined to receive personal protection, but the police are affording him protection by means of patrols. The question of extending the protection is being considered by the police authorities.

Mr. BELLOC (Salford, S.): On whose evidence was this information—on Lord Ashtown's?

Mr. BIRRELL: It is derived from an inspection of the spot made by the police.

Mr. JOHN O'CONNOR (Kildare, N.) asked whether the inquiries would be continued, bearing in mind the revelations as to a certain Constable Sheridan, so as to ascertain that the outrage was not committed by some such *agent provocateur*.

Mr. CHARLES CRAIG asked whether the damage caused by the explosion was so great that the mantelpiece in the bedroom of Lord Ashtown was detached from the wall.

Mr. MACVEAGH asked whether Lord Ashtown had not stated in an interview that he knew it was an outrage before he left his bedroom.

Mr. BIRRELL said that he would read the telegraphic despatch, which was as follows:—"The injury to Lord Ashtown's lodge was caused by placing a metal pot containing, it is believed, a large quantity of blasting powder on one of the window sills of the drawing-room directly beneath his lordship's bedroom. The pot had a metal cover which was flattened down by an iron band with nuts on end. There were four holes in the cover for the purpose of inserting a fuse. Three broken bottles, which contained paraffin oil, were found on the ground. The window and the shutter of the same where the pot was placed were blown into the room, curtains, etc., caught fire, and some articles of furniture were broken, as well as a quantity of the woodwork. The glass of three other windows was also broken, walls were slightly cracked in many places, and the mantelpiece in Lord Ashtown's bedroom partly torn from the wall. Lord Ashtown and four servants were sleeping in the lodge, but none were injured."

Belfast Postmen's Grievances.

MR. CHARLES CRAIG: I beg to ask the Postmaster-General whether he is aware that considerable inconvenience is occasioned to those members of the postal staff in Belfast who have to deliver letters, by reason of the fact that they are frequently detailed to a district remote from their own residences and are in consequence unable, or have very little time, to get to and from their homes for meals in the intervals between their spells of duty; and whether arrangements could be made whereby men should be detailed, as far as possible, for duty in districts convenient to their homes.

*MR. SYDNEY BUXTON: I am having inquiry made on the subject and will acquaint the hon. Member with the result.

Rosslare Pier Telegraph Office.

MR. FFRENCH: I beg to ask the Postmaster-General whether any conclusion has yet been arrived at with reference to the establishment of a telegraph office at Rosslare pier; and whether any progress has been made regarding the giving of a second delivery at those villages in South Wexford through which the Rosslare line passes.

MR. SYDNEY BUXTON: I hope that arrangements will shortly be made with the railway company for opening a telegraph office at Rosslare pier. My inquiries with regard to further improvement of the postal arrangements at places in the neighbourhood of the Rosslare Railway in South Wexford, have made considerable progress, but they affect a large district and it has not yet been possible to complete them. I will communicate with the hon. Member as soon as I am able to arrive at a decision.

Friendly Societies and the Taxation of Land Values.

MR. HAROLD COX: I beg to ask the Prime Minister whether he has received a resolution from the delegates of the Hearts of Oak Benefit Society, representing more than 300,000 members, requesting the Government that when they deal with the question of taxing land values they will take into consideration the desirability of exempting friendly societies from the operation of such Act; whether he is aware that many other friendly and building societies hold large investments in land values; and whether he can give any general assurance which will remove the alarm that has been created by the proposals made by some of his supporters.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir HENRY CAMPBELL-BANNERMAN, Stirling Burghs): No, Sir, I have not received the resolution in question. I shall always be glad to give any assurance in my power which may tend to remove alarm in whatever quarter it may exist; and my hon. friend is quite free to make it known that His Majesty's Government will endeavour in this and other matters to act with justice and consideration.

Proposed New Judge.

MR. FULLERTON: I beg to ask the Prime Minister whether, before appointing another Judge to the King's Bench Division, he will take steps to have the present circuit system re-organised.

SIR H. CAMPBELL-BANNERMAN: The Address from the House to the King, as well as the Address from the other House, was founded on the urgent state of business in the High Court. It would not be consistent with the course taken by Parliament to delay the appointment of the Judge.

County of London Area.

MR. CAVE (Surrey, Kingston): I beg to ask the Prime Minister whether he has expressed agreement with the proposals recently brought before him by a deputation of London Liberal Members, including proposals for a wider extension of the area of the county of London; whether he contemplates dealing with the question of extension by means of a Government Bill; and whether, before coming to a decision on the matter, he will take steps to ascertain, by public inquiry or otherwise, the opinion of the inhabitants and local authorities of the districts which it may be proposed to bring into the London area.

SIR H. CAMPBELL-BANNERMAN: A wider extension of the area of the county of London was one of the many objects brought before me by a deputation of London Members, and I agree with them that it is a desirable object, but the Government have come to no conclusion as to the time at which or the form in which it may be best attained.

MR. CAVE asked if the Prime Minister could give him the assurance he had asked for in the latter part of the Question.

SIR H. CAMPBELL-BANNERMAN replied that naturally the views of the population in the districts concerned would be an important factor in the situation.

*MR. REES (Montgomery Boroughs) asked if the right hon. Gentleman would see that the feeling of the inhabitants of the suburban districts, in respect of the drastic and far-reaching changes proposed, was not overlooked?

SIR H. CAMPBELL-BANNERMAN: If the suburban Members come to me in the same way that the London Members have done, I shall be happy to receive them.

BUSINESS OF THE HOUSE.

MR. A. J. BALFOUR (City of London) asked as to the business for next week.

SIR H. CAMPBELL-BANNERMAN said that to-morrow, after the Third Reading of the English Land Bill, some of the smaller orders on the Paper would be taken. On Monday, the Second Reading of the Transvaal Loan Bill would be taken; on Tuesday, the Report Stage of the Scottish Land Values Bill; and on Wednesday, probably the Second Reading of the Expiring Laws Continuance Bill would be taken. The Third Reading of the Appropriation Bill would be put down as first order on Monday.

MR. A. J. BALFOUR said that it was the ordinary practice for the work of the session to conclude with the Appropriation Bill, which gave opportunity for the discussion of urgent public questions. He suggested that the Third Reading of the Bill should be reserved, as there were several outstanding questions which the hon. Members would like to discuss.

MR. PATRICK O'BRIEN (Kilkenny) asked when the relics of the late Evicted Tenants Bill would be taken.

MR. LYTTELTON (St. George's, Hanover Square) pointed out that by arrangement with the Patronage Secretary to the Treasury the preliminary stages of the Transvaal Loan Bill had been regarded as purely formal on the distinct understanding that the whole day would be given for the Second Reading. That arrangement would not be fulfilled if the Third Reading of the Appropriation Bill as put down as first order on Monday.

THE PARLIAMENTARY SECRETARY TO THE TREASURY (MR. GEORGE WHITELEY, Yorkshire, W.R., Pudsey) said that he understood that it was necessary that the Appropriation Bill should be in another place on Monday, and that the Third Reading would be a purely formal stage If it were not he agreed that it could not be taken as first order on Monday, but that the Transvaal Loan Bill must have precedence.

LORD R. CECIL (Marylebone, E.) asked why it was necessary to send the Appropriation Bill to another place on Monday.

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fifeshire, E.) said that the money was wanted for the public services. The Royal Assent ought to be obtained at the latest on Tuesday.

Mr. BOTTOMLEY (Hackney, S.) asked whether any day would be given for the Motion which stood on the Paper for an address to annul the rule relating to the appointment of a Public Trustee. The rule had already lain on the Table for half the required thirty days.

Sir H. CAMPBELL-BANNERMAN; I not only fear, but I am certain that the exigencies of public business will not allow us to give such a day.

Mr. BOTTOMLEY asked whether the Act of Parliament which conferred on the House the right to discuss this most important matter could be defeated by the exigencies of Party interest.

*Mr. SPEAKER said that in ordinary circumstances it would have been possible for the hon. Member to raise a discussion after 11 o'clock at night; but the House had passed a Resolution that on the conclusion of Government business the Speaker should declare the House to stand adjourned. By passing that Resolution, the House had deprived itself of the power of discussing such a Motion as the hon. Member desired to bring forward. It was open to the hon. Member to have voted against the Resolution on that ground.

Mr. BOTTOMLEY: No doubt I shall have an opportunity on the Appropriation Bill.

*Mr. SPEAKER: The hon. Member, in putting down his Motion, has himself put down a blocking notice.

Mr. BOTTOMLEY asked whether on the Appropriation Bill it was not competent for any Member to discuss any subject.

*Mr. SPEAKER said that the rule against anticipation applied.

Mr. BOTTOMLEY: I beg to give notice that I will withdraw my blocking Notice.

VACCINATION (SCOTLAND) BILL [Lords].

Read the first time; to be read a second time on Monday next, and to be printed. [Bill 317.]

PUBLIC HEALTH (SCOTLAND) AMENDMENT BILL [Lords].

Read the first time; to be read a second time on Monday next, and to be printed. [Bill 323.]

EDUCATION (ENGLAND AND WALES) BILL.

"To make further provision with respect to Education in England and Wales," presented by Mr. Higham: to be read a second time upon Friday, 23rd August, and to be printed. [Bill 323.]

NEW BILL.

EMPLOYMENT OF BRITISH SUBJECTS ABROAD BILL.

"To prohibit the engagement of British subjects for service in the place of workmen locked out on a strike in Foreign countries," presented by Mr. Crooks; supported by Mr. Shackleton, Mr. Curran, Mr. Ramsay Macdonald, Mr. William Abraham (Rhondda), Mr. Arthur Henderson, Mr. Macpherson, Mr. Brace, Mr. Walsh, Mr. Enoch Edwards, Mr. John Ward, and Mr. Fenwick; to be read a second time upon Wednesday next and to be printed. [Bill 324.]

MARRIED WOMEN'S PROPERTY BILL.

Lords' Amendments to be considered forthwith; considered, and agreed to.

POST OFFICE SITES BILL.

Lords' Amendment to be considered forthwith; considered, and agreed to.

PROBATION OF OFFENDERS BILL.

Lords' Amendments to be considered forthwith; considered, and agreed to.

COMPANIES BILL [Lords].

Reported, with Amendments, from Standing Committee C.

Report to lie upon the Table, and to be printed. [No. 310].

Minutes of the Proceedings of the Standing Committee to be printed. [No. 310.]

Bill, as amended (by the Standing Committee), to be taken into consideration To-morrow, and to be printed. [Bill 321.]

STANDING COMMITTEE ON SCOTTISH BILLS.

Ordered, that the Standing Committee on Scottish Bills have leave to sit To-morrow during the sitting of the House.—(*The Lord Advocate.*)

CONSOLIDATED FUND (APPROPRIATION) BILL.

Order for the Second Reading read.

Motion made, and Question proposed, "That the Bill be now read the second time."

MR. A. J. BALFOUR (City of London) said it was convenient, it was certainly not unusual, that they should take the opportunity of the Second Reading of the Appropriation Bill to make some survey of the Government proceedings during the course of the session. He did not propose that afternoon to survey the whole field of Government activities. He intended to confine his remarks to the action of the Government with regard to the business of the House and to the condition to which they had, by their methods and their programme, reduced that Assembly. He did not believe there was any man on either side of the House, or belonging to any section of the House, who did not agree with him that there was matter for the gravest reflection and the most anxious meditation with regard to recent Parliamentary procedure, and that they could derive but small contentment from the announcement which the Government had made that they were not wholly dead to the class of questions which he meant to bring before them, but proposed to devote their minds to their consideration during the winter months. Let the House consider for one moment, apart from the discussion of any particular controversial measure, how far it had carried out, or was under existing circumstances able to carry out, its two great fundamental and essential duties—the duty of legislation and the duty of criticism, the duty of dealing with the legislative proposals brought forward by His Majesty's Ministers, the duty of dealing, by comment, adverse or otherwise, with the executive actions of the Administration. Under neither of those heads had the House of Commons been able to carry out, nor could it conceivably carry out, the two primary duties with which it was entrusted by the country, and for which the country should hold it responsible. There were two great novelties in the course of the present session, for which, though not wholly without precedent, the precedents had been immensely exceeded, and by which they had been brought under a system of administration hitherto wholly unknown to the House. The first point to which he would venture to call the attention of the Prime Minister, the Government, and the House was the way in which Grand Committees had been worked. In the first place, he could not see how the Government were to escape from the charge of having, if not deliberately, at all events completely, broken the solemn pledges entered into by Ministers of the Crown when they asked the House to adopt their new system of Grand Committees. He had made this charge before in the presence of the Prime Minister. He had given at least one quotation on which he rested it; but never as yet had the right hon. Gentleman condescended to reply to what was a serious charge, and certainly a definite one. He would read again, to remind the right hon. Gentleman of the facts, two quotations from speeches made by responsible Ministers of the Crown when they were passing the new rules establishing Grand Committees on their novel basis. The first was from a speech by the right hon. Gentleman the Member for Wolverhampton, who was, next to the Prime Minister, the Minister in charge of the new rules. This was what he said on 26th March—

> "It was the intention of the Government that all important controversial Bills should be discussed in the House, and not in Grand Committee."

For his own part, he was unable to conceive of a pledge uttered in more precise and explicit language, nor had he ever known such a pledge which was more obviously and plainly violated by the subsequent policy of the Government. But it might be said that the right hon. Gentleman, though an important member of the Administration, was not its head, and that he misinterpreted the view of the Leader of the House when he gave vent to that explicit declaration of intention. He would, therefore, quote from the Prime Minister himself. The Prime Minister, on 25th March, said—

> "The Government had no desire to send the great measures of the session, which almost necessarily were controversial, to Grand Committees. They would still be retained under the control of the House."

It really could not seriously be pretended that the Government had kept either to the spirit or to the letter of those two distinct and explicit promises. They stood there as violations of the solemn declarations of the Government made to the House, and on the faith of which the House passed the new rules, and within a few months, within a few weeks, after those declarations were so solemnly made, they were completely and absolutely broken alike in form and substance, alike in letter and in spirit. That was the first point which he wished to make as to Grand Committees, but it was not the only one. When the right hon. Gentleman was pressing upon the House the propriety of this new expedient of his, the Opposition urged upon him that the labours thrown upon those Members of the House who had both to serve on the Grand Committees and to do their work as Members in the House would be of so exhausting a character that it was quite impossible that it should be adequately carried out until human nature and the human organism were much more vigorous than they were at present. They urged on the Government that both the Ministers and the Members would find the labours of these Committees far greater than they could stand. Who doubted that that was so ? The right hon. Gentleman himself came down to the House the other day and explained that the right hon. Gentleman in charge of the English Land Bill had gone away for a week's holiday because he had found the work in Grand Committee of so exhausting and exacting a kind. He was not surprised. It was an intolerably severe strain when Members were asked to work from twelve o'clock to three, but he was perfectly certain that, when they asked them to work from eleven to four, and sometimes longer, they really were throwing a burden upon Members of that House which it was impossible for any human shoulders to bear. In that respect he ventured to point out that the prophecies they made about these new rules had been amply confirmed by the experience. That was not all. He complained as a Member who had not served on these Grand Committees, and he thought others would probably feel the same cause of grievance, that they had no opportunity of hearing the details of the Bills discussed upstairs. The Prime Minister had gone on the supposition that a Committee was representative of the House, that everything which the Committee did might be regarded as done by the House, that everything the committee discussed might be regarded as discussed by the House, and that everything which was known to the fifty or sixty gentlemen who sat on the Committee was known to the 670 gentlemen who formed that Assembly. That was an impossible position. It was one of those conventions which had no relation whatever to fact. No one who was not on the Committee could know what was the sort of arguments, what was the sort of trend of opinion which the critics and the defenders of a Bill alike pursued ; and, when the Bill came down to the House for the brief discussion which they were permitted on the Report stage, they were totally ignorant of what had taken place upstairs for any purpose which could really enlighten them as to the movement of opinion and the course of argument. And observe the extraordinary irony of the position. The Opposition pointed out when the rules were before them that the House had laid down certain standing orders with regard to the discussion of financial matters which made it possible for a Committee upstairs to deal with finance, but made it impossible for the House to deal with finance on Report. The right hon. Gentleman refused to modify those regulations, and the result had been that measures which touched very closely upon financial proposals might be discussed in Committee by fifty or sixty gentlemen, but when they came down to the House they were precluded from raising points, however great might be their importance, if they in the smallest degree trenched upon the sacred precincts of public money. That was an impossible position in which to place the mass of the House. Let them take what happened on the English Land Bill. There was a considerable body of opinion largely represented below the gangway which desired to see some modification of the proposals of the right hon. Gentleman opposite with regard to the source from which the funds should come for carrying out the policy of increasing the number of small holders in England. There could not be a question touching more the central problem of land policy. That central problem was withdrawn from their notice. Mr. Speaker ruled, as he was bound to rule, that they could not deal with it; and so they were face to face with this extraordinary and paradoxical result, that the rules which the House laid down to protect the public Exchequer had prevented its discussing that which most nearly touched its interests. And that evil was going to be an increasing evil. This House was deeply pledged to what was called social reform. Social reform was inextricably mixed up with questions of public finance, and the result of these rules was that they would never be able on the Report stage—the only stage left them for dealing with the details of a Bill in the whole House—to touch those monetary provisions which were the very sinew of any proposals of that kind, and without freely discussing which it was impossible to discuss the questions of policy brought forward in those Bills.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): You could not do it under the old system.

MR. A. J. BALFOUR said the right hon. Gentleman had mistaken his point. It was perfectly true that even the discussions in Committee of the whole House were limited by the terms of the original Resolution; but there was the further limitation which prevented them dealing on the Report stage with things which could perfectly well be dealt with on the Committee stage, and the only way of dealing with them was to re-commit the Bill, and—especially under closure—it was only the Government themselves who could propose that a Bill should be re-committed. So much for the Grand Committees. They had been used in defiance of Government pledges; they had been used to the utter exhaustion of many of the most active Members of the House; they deprived other Members of a privilege which they before enjoyed of taking part in the Whole House on the Committee stage of controversial and important Bills; and, finally, they had absolutely removed from the Whole House, at any stage, the power of discussing any financial proposal. A more damaging indictment could hardly be urged against a system which the right hon. Gentleman—again under the guillotine—urged them to adopt four months ago. He passed from the Grand Committees to the guillotine. Let it be remembered that the Government came in as the advocates of Parliamentary liberties. They were pleased to say that the late Government deprived the House of liberty of discussion. Let anybody compare the proceedings under the late Government with regard to the guillotining of Bills with the proceedings under His Majesty's present advisers. The guillotine had already been applied this session on no less than five separate occasions—upon four Bills, and upon their discussion on the Rules of the House. The guillotine had been applied before, by other Governments, Conservative, Unionist, Radical, and Liberal, but never, except perhaps once under Mr. Gladstone's Government, had the guillotine been applied at the beginning of the Committee stage of a Bill. As everybody knew, when once the guillotine had fallen there was an end of satisfactory debate. He would take an example. The Education Bill, 1902, was a Bill that was guillotined, and no doubt the ordinary result followed. But before the guillotine was put on there was free discussion, and everybody who would honestly look through the debates would admit that there was no great principle of that Bill that was not discussed and re-discussed almost *ad nauseam*. Let them take another example, the Bill dealing with the local authorities in Wales. That Bill was one of a single principle, which could really be almost exhaustively discussed upon Second Reading. It was discussed altogether twelve days in Committee. Six of those days were passed before the closure was applied, and the discussion before the guillotine was applied was, and always must be, wholly different in character from the discussion which took place after that drastic operation had been performed.

THE PRESIDENT OF THE BOARD OF TRADE (Mr. LLOYD-GEORGE, Carnarvon Boroughs): I think the right hon. Gentleman is not correct. We only had a single day.

MR. A. J. BALFOUR said he had not verified the quotation, and it might be another Bill.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. MCKENNA, Monmouthshire, N.): The Licensing Bill.

MR. A. J. BALFOUR; Yes, it was the Licensing Bill. That Bill took eleven days in Committee and six days before the guillotine was put on. At all events, on the Education (Defaulting Authorities) Bill there was only one principle involved, and in that case the House had an opportunity of discussing, without the guillotine, a proposal which was vehemently objected to. Let them compare that case with another case of dealing with great local authorities of which they had had recent example. The Government brought in a Land Bill for England, and they had put every county council, every district council, and every parish council under the control, for certain purposes, of a central authority, which was directed by the Bill, in certain circumstances, to coerce them. That might be a very proper proposal, just as he thought the Welsh Bill was a very proper proposal; but it was a very important proposal. It was a proposal which touched the very central nerve ganglion of English public life; it touched the relation between Parliament and the great bodies which Parliament had brought into existence to deal with local affairs. He could imagine no point more deserving of the consideration of the House, or one which touched more nearly the general organisation of the country; yet under the plan of the Government it had not been considered by that House for an hour, or even a quarter of an hour. No more striking example of the way in which the Government had misused their power could be given than the way in which they had treated the county councils. But it was not only in relation to Grand Committees and the use of the guillotine that he made his complaint against the Government. They had prevented the House from carrying out its full function in connection with the criticism of administration, a function not less important than the function of criticism of legislative projects. The House spent 22 days under guillotine—about a month of Parliamentary time—and during that period, at the very height of Parliamentary activity and when public attention was most concentrated on public affairs, they had been deprived of any use whatever of the expedient of moving the adjournment of the House upon questions of urgent public importance. That was an interference with the liberties of the House on the part of a Government which had appointed a Committee to deal with blocking notices. If individual Members who put down blocking Motions were criminals, what was the depth of iniquity of the Government themselves, who had for a month deprived the House of Commons of one of its most important rights? But that was not all. The Government, in his opinion, had grossly misused the Supply rule. They had not given the additional three days which it had been customary to give. By itself that was not a matter of great importance, but it was important when they bore in mind that the Government had by that means entirely avoided adequate criticism either upon their Irish administration or upon their education administration. The Chief Secretary for Ireland was in his place, and he was sure that there was nobody who would welcome criticism more than the right hon. Gentleman, and there was no one who would find more joy in his answers than hon. Gentlemen in all quarters. But the right hon. Gentleman had had no chance of replying to them nor they of criticising him as to the state of Ireland. Could it be said that the state of Ireland was such as to cause no anxiety, or that the general administration of the country was a source of universal satisfaction to all Irishmen and also to all who were interested in the fate of Ireland? The Chief Secretary would be the first to admit that profound anxiety existed with regard to the internal condition of large parts of the country, and that nothing could be worse either for the duties of the House or for himself, or for his critics, than that the Chief Secretary's Vote should be put down in the dinner hour upon one night in the whole session. At a time when much anxiety was being caused in Ireland, the right hon. Gentleman was not permitted to give his critics a chance of surveying his administration as a whole and bringing against it charges which in their opinion the Chief Secretary for the time being ought to meet. The Education Vote no doubt had a night devoted to its discussion, but the President of the Board of Education would forgive him if he said that his administration was of a kind which required more than one night adequately to deal with it; and his general proceedings had been so aggressive that he should have been especially careful to see that his critics had a full opportunity of explaining their case, and he an adequate opportunity of defending himself. He would remind the House that the right hon. Gentleman had without a shadow of excuse asked Parliament in the Appropriation Bill to violate the law in the interests of one section of public educational opinion; and the money which he was asking the House illegally to vote was to be expended upon one class of schools, and one class only. Even if that incident in the right hon. Gentleman's official career stood alone, he should have requested the Prime Minister to devote more time than had been given to the Education Estimates. It was true that they had had one night since the Government policy was declared, but that night was interrupted by private business. And let it be remembered that the incident of the illegal vote of £100,000 was by no means the only and worst administrative action for which the right hon. Gentleman had made himself responsible. They knew that he had administratively used his Department to bribe or to threaten secondary schools to modify their governing bodies and to alter their system of religious teaching in the interests of one particular section of public opinion and against the wishes of the parents using the schools. [MINISTERIAL cries of "No."] They knew that he had compelled the parents of Roman Catholic children in one of the parishes in Yorkshire, who desired to have a school of their own, and who were building a school of their own, to send their children against their will into the board school.

MR. McKENNA: Which parish is that?

MR. A. J. BALFOUR: Low Valley.

MR. McKENNA: It was not I who closed that school; it was the hon. Baronet opposite who preceded me.

SIR WILLIAM ANSON (Oxford University): That is so. But the right hon. Gentleman is perfectly well aware that the parents have since at their own charge provided and maintained a school which he declines to sanction, contrary to the principles of the Act of 1902.

MR. A. J. BALFOUR said he did not know that the right hon. Gentleman had gained much by the interruption, but doubtless the matter would be further debated. The right hon. Gentleman was alleged not to have held the balance equally with regard to some of the schools in Wales, and undoubtedly he had not done all he could to help those unfortunate teachers whom the county council of Merionethshire desired to deprive of their well-earned holiday. A Minister who did these things ought to provide ample opportunity for their discussion. It was not right that, with time under the Supply rule at the disposal of the Government, a Minister should escape either making an explanation of his general policy or the duty of defending himself for particular acts of what they considered maladministration. The evils which the right hon. Gentleman had done, and was doing, by his use of his executive powers did not stop with his own Department. Let them remember that every measure of the present Government, and possibly of their predecessors, tended to throw more and more upon the central departments of the Government, on whose fairness, irrespective of Party, it had been the practice of the House to rely. The Minister of Education had done more than any Minister he knew of to shake confidence in that fairness of public administration; and in so shaking confidence in public administration he had done a far greater evil than merely injuring the interests and hurting the susceptibilities of a particular section of the community who held certain views on the education question. The general result was that, as everybody must admit, interest in their proceedings was diminishing among the public outside, and, what was far more important, it was diminishing within those walls. What happened now was that the Prime Minister in a perfunctory speech—he did not blame the right hon. Gentleman; the same speech had been made four or five times in the course of the session—introduced a closure by compartment

Resolution, and when that melancholy performance was carried out to his satisfaction the House at once ceased to be in any sense a debating assembly. The same results were to be observed whichever Party was in Opposition, and they were therefore justified in saying that these results were due to a system and not to individuals. The debates lost all zest, all interest, all keenness, all novelty, all reality. The House might struggle to believe it was of importance, but it knew, and every Member of it knew, that it was of no importance. It fulfilled no other functions than the functions of those sham assemblies which at various periods of the First and Second Empires in France were supposed to carry on the traditions of free Parliamentary institutions. They all knew that these proposals were unwillingly brought forward by the Government who made themselves absolute tyrants of the situation. Individually they were lovers of liberty, but collectively, by the action they had taken in that House, they had become, against their will, its arbiter and its master. They could not escape the fate which attached to all other tyrants, whether willing or unwilling, and that was seen in the actions and speeches of Ministers themselves. They insensibly fell into the errors which dogged the steps of absolutism. They would not pretend themselves that they took much trouble over the drafting of their Bills. Their Bills were not thought out.

THE ATTORNEY-GENERAL (Sir JOHN WALTON, Leeds, S.) dissented.

MR. A. J. BALFOUR said he seemed to have hurt the feelings of the hon. and learned Gentleman opposite, but the Government had just sent up a measure to that unfortunate Scottish Committee which had so heavy a burden to carry, and he was told there were twenty-one pages of Government Amendments to that Bill. If that had been done on the Opposition side of the House the Prime Minister in courteous terms would have accused them of obstruction, but the Government seemed anxious to obstruct their own Bill, because they had put down a whole volume of Amendments to it, including a single clause of 100 lines. Therefore the Attorney-General would feel that there was some slight justification for the comment he had made on the drafting of Government Bills. This was the kind of thing which must happen when every Minister knew that whatever the defects of his measure it would be huddled up in the end unless its defects were exposed in another place. This system had its effect, not only on the Bills of the Government, but on their speeches. They had got into the habit of using a regular formula whenever a criticism was made on their Bills. That formula was—

> "His Majesty's Government have carefully considered the point raised by the hon. Gentleman opposite, and on the whole they must adhere to their original opinion."

That could only pass for argument when there was the closure and the guillotine behind it. Gentlemen who would be the last to imagine that they were not ready to come into the open and meet their adversaries face to face got into the habit of sheltering themselves behind this formula. Why did the Government, who, he was sure, hated all this, do it? Largely because they did not bring their Bills in early enough in the session. They asked the House to do more than the machine could do. They said they were going to consider the whole subject in the course of the winter months. It was, however, no use considering this subject unless they would see where the root of the evil lay. All would desire to see the Bills they desired to pass, passed rapidly. It must not, however, be forgotten that there must be limitations to the output of legislation in an Assembly of 650 gentlemen dealing with subjects of most acute controversy and possessing equal rights of speech, and in most cases equal capacities for speech. They could have a good solid output of legislation each year, but they could not do that by bringing in every year numerous and gigantic measures and expecting them to pass. The Government seemed to have got into a hopeless habit of miscalculation. Everybody would admit that the position of public business at this moment was not satisfactory; but what would it have been but for the abandonment of the Devolution Bill? The Chief Secretary might mourn the premature decease of that Bill, but the Government, as a

Government responsible for business, must, though he was sure they believed in the measure, nevertheless have been delighted. He strongly suspected that the Patronage Secretary to the Treasury went over in disguise to the Irish National Convention and used his well-known powers of diplomatic persuasion to induce that important body to relieve himself and his colleagues of the intolerable strain which the legislative activities of the Secretary for Ireland were about to put upon them. The rules of the House certainly required remodelling. The problem the Government had to face was one of extreme difficulty. The difficulties were not wholly the creation of the present Government; they were difficulties incident to the gradual development of our public and political life. He wished he could see in the policy pursued by the Government, either last session or this session, any recognition of the root evils with which they had to deal before the affairs of the House could again be brought into a satisfactory condition.

SIR H. CAMPBELL-BANNERMAN: said the right hon. Gentleman had brought a sweeping and drastic indictment against the manner in which the Government had conducted the business of the session, but had done it with a degree of good nature and good humour which had taken away much of its sting, but none of its force. He trusted he might be able to show that the right hon. Gentleman had greatly exaggerated the evils which he had discovered, and that, after all, the session promised to be a legislative success, and to have done nothing but credit to the House of Commons. The right hon. Gentleman first attacked the general system of the reference of Bills to Standing Committees, which was the staple of the new rules of procedure. The view taken on the Ministerial side of the House was that it was necessary and desirable that they should legislate with energy and rapidity. During the last ten or twenty years legislation had fallen into arrears. There were many questions that were ripe for being dealt with, and their difficulty was to know in what order they should take them up. But there were numbers of Members—he did not know that the Leader of the Opposition was conspicuously one of them—who held an entirely different view, and who were fond of telling audiences that there was far too much legislation, and that it would be much better for the country if the House of Commons devoted itself more to academic discussion. They thought that such legislation as was promoted should be of a harmless, and more or less inoperative, character. There was a fundamental difference between the two orders of men in that House, and the energetic section, who demanded that there should be activity in legislation, were so superior in numbers in this Parliament that it was obvious there must be greater attempts made to deal with legislative problems than they had been accustomed to in the past. At the same time, there was the fact to which the right hon. Gentleman had made allusion, that the individual Member was much more active now than he was in the old days. The private Member was much more able to take an intelligent and useful part in their deliberations. He was accustomed to speak more in the country before he came into the House, and when he came there he was able to speak with facility and good effect. The Government had endeavoured in these two sessions to do their best to fulfil what they believed to be the mission entrusted to them by the electors. For that purpose they had instituted a new and experimental system of relegating a much larger share of the work to the Committees sitting upstairs. In the application of this new system it was probable that some blemishes and defects would be found, and he trusted that the Government would not be blind to any faults that might be disclosed, but be quite ready to remedy them. But it was absurd to suppose it would do much good to send these Bills to a Committee upstairs if the whole House was to be present in spirit and if the Committee was not to be trusted to do the work referred to it. This excessive desire that every Member of the House should be able to follow in detail the operations in Committee was an exaggeration founded upon a misconception of the true functions of a Committee. Having referred the question to a Committee, it was not for the House to interfere. They expected the Standing Committees to do their work loyally, with the view to a full discussion and consideration, but also with a view to the ultimate passing of the measures referred. He did not think that that had in all cases been done. Let them take, for instance, the Scottish Small Landholders Bill. There were, he thought, an unusual number of Members on that Committee who had acquired in a great degree the habit of meticulous examination of matters brought before them, and who were exceedingly fluent speakers with extremely ingenious minds, and the result of their applying themselves—no doubt conscientiously from their point of view—was that an amount of time was spent which was altogether out of proportion. Admitting as he did that the Bill was a strong Bill, proposing great alterations in the law which might well give rise to strong feelings, yet the time spent was altogether out of proportion, and if the Bill had not been dealt with somewhat stringently under the new powers given to the Chairman that Committee would have been sitting still. The right hon. Gentleman had said that the Government ought not to have referred the great controversial Bills of the session to the Committees upstairs. Had they done so? The great controversial Bill of the session was the Army Bill. Then the Budget Bill, the English Land Bill, the Evicted Tenants Bill had all been kept in the House. The right hon. Gentleman had said that the Government had put such a great strain upon Members of the House. Members of the House had not complained much about it. He did not think it had been a great strain, but Members had behaved with great public spirit. The right hon. Gentlemen had also referred to the use of the guillotine. It sounded almost hypocritical and pharisaical, but the Government also detested the whole system of the guillotine as at present applied, and the House would have the same feeling towards the guillotine if the allocation of time were imposed by some impartical authority. It was undoubtedly a system that was open to objection. He did not agree with the right hon. Gentleman, who preferred to begin the discussion of a Bill in Committee and resort to the guillotine towards the end. It was more effective calmly to review the situation before they began, and, after consultation with different parts of the House as to the amount of time that ought to be allotted, lay down the particular allocation of time that appeared to be fair and just. It seemed to him that when the House was accustomed to this allocation of time, and regarded it without disfavour, it should not prevent the proper discussion of important matters. He constantly saw instances where time that was allotted was wasted in trivial discussions and more important questions were shut out. There was a flagrant instance this session in the case of the Scottish Small Landholders Bill. The right hon. Gentleman the Leader of the Opposition had referred to Clause 3 as perhaps the most important clause in the Bill, and it was included in the section which was to be disposed of on the first day. The right hon. Gentleman said he anticipated that they would not be able to reach it, and he deplored that as a great misfortune. What happened? The new clauses were mostly ruled out of order, they disappeared, and they immediately got on to Clause 1. The Opposition went on discussing comparatively unimportant Amendments to Clause 1, maintaining the discussion with obvious difficulty, until the time came when the axe fell, and Clause 3 was not reached at all. That was an instance, a rather flagrant instance, he thought, of the manner in which opportunities could be used. He repeated what he had said on other occasions in answer to questions, that the Government would consider whether some means could not be adopted for shifting from the Government to some impartial authority the adjustment of these matters, and when that was accomplished he did not believe any substantial injury would be done to the interests of the House. Passing from the Government's sins in that respect, the right hon. Gentleman had complained of the somewhat mechanical mode of dealing with public questions in that House, of the neutralising and sterilising effect upon their debates of this somewhat mechanical mode of dealing with public questions. He did not think there was any matter with regard to which that observation was more true—and he admitted there was some truth in it—than the administration of the Government as exhibited in the Estimates of the year. It was the right hon. Gentleman who introduced this method of devoting so many days definitely to the Estimates. It was a system which had many advantages; it saved the House a great deal of the uncertainty and discomfort that prevailed under the old system; but obviously, when a Minister had his Vote brought on on a certain Thursday, he had only to make the best answers he could and get the debate prolonged until the end of the sitting, and then he was free for twelve months from any animadversion on the part of anybody. That was a bad effect. Therefore, the right hon. Gentleman was not altogether free from responsibility for the neutralising effect of the guillotine upon criticism, for he himself had applied this sort of soothing syrup to the whole of the Votes of Supply. The right hon. Gentleman had pointed out that the Government had not given the three additional days sometimes allowed to Supply. The Government had not those days to spare. He quite admitted, and he repeated the admission, that they had been too sanguine, whether the fault was theirs or not, and they had found themselves in June and July with more before them than they could well accomplish. They could not spare the days unless they were to go into October, as the right hon. Gentleman had prophesied they would. They could not in the circumstances give days for this, days for that, and days for the other. What were the particular cases of which the right hon. Gentleman complained? He said that their policy with regard to Ireland had not been properly discussed. Three days had been given to the Irish Estimates, one of them to the Chief Secretary's salary, which occasioned, of course, a general review of the policy of administration, the Vote being brought on at the dinner hour. That was in accordance with the wishes of Irish Members opposite, and it was rather a novelty that they should take into consideration Irish Members who supported the Leader of the Opposition, because he believed he was right in saying that in former years when the right hon. Gentleman had charge of the business, they were not consulted in these matters. The present Government had consulted them, and had given them a day, and it happened to be the second half they got. He did not think there was really serious ground of complaint in that. He did not know whether he was called upon to make any answer to the attack made by the right hon. Gentleman on the President of the Board of Education's whole policy, but whether he had done wrong or whether he had done right, his right hon. friend was able to take care of himself without his assistance. In addition to the one day given to the Education Vote, there had been, besides, three other discussions of a less formal kind.

MR. PIKE PEASE (Darlington): What about the Local Government Board?

SIR H. CAMPBELL-BANNERMAN: The Local Government Board Vote had been unfortunately sheared and left out. They could not put a quart of Votes into a pint of time, and that was one of the evils under this mechanical system.

MR. A. J. BALFOUR: You had the three days.

SIR H. CAMPBELL-BANNERMAN said that the Government had not the three days to spare, and if they had given them there would have been other claims. The right hon. Gentleman had said that the Government had asked for more than the machine could do. It was because the machine could not do what they asked of it that they had introduced this experimental system of sending Bills to Committees. He was still sanguine and fully persuaded that, if it was worked steadily and reasonably and any little blemishes and asperities removed which practice showed to exist, that system would be a great improvement upon the proceedings of the House of Commons, and that they would be able to do much more under it than they had done in the recent past. The right hon. Gentleman had taken a despondent and gloomy view of this Parliament. He had said that nobody cared what they did, and they did not much care themselves. He was afraid the right hon. Gentleman's eyes were elsewhere. It was the other branch of the Legislature, who had every possibility and means that the House of Commons had not of despatching their business with celerity and effectiveness—it was they who were to engross the attention and the gratitude of the country. He did not so read either the tendency of men's minds or the necessities of the time. He believed the House of Commons, with the good sense that had always prevailed in it, and with the good feeling and good spirit which the right hon. Gentleman had himself displayed that day in his criticisms, was quite equal to the task it had undertaken, and that not only in this session, but in any future session—which, he was ready to admit, might be better managed—they would have results which would redound the credit of the House and to the benefit of the country.

MR. T. P. O'CONNOR (Liverpool, Scotland) said the Leader of the Opposition had had the courage to ask for a return of the occasions since 1887 on which Closure by compartments had been carried. He had got a copy of that return and he was sure the right hon. Gentleman had not seen it, or he could not have made the speech which he had just delivered. The first entry was

> "1887. Criminal Law Amendment (Ireland) Bill; four days were occupied on the Report stage, which was concluded on the same day the order as to Closure was made."

The second entry was—

> "1888. Members of Parliament (Charges and Allegations) Bill."

That was a Bill for the establishment of a special Commission to investigate the genuineness of that forged letter by the assistance of which the right hon. Gentleman, the Leader of the Opposition was enabled to pass the Second Reading of a Coercion Bill for Ireland. That Bill occupied two days on the Report stage, but there was no order as to Closure.

MR. A. J. BALFOUR: Will the hon Member read the number of days on the Committee stage before the Closure, and the number of days in Committee of the Whole House?

MR. T. P. O'CONNOR said the Criminal Law Amendment (Ireland) Bill was sixteen days on the Committee stage before the Closure and twenty days altogether in Committee, whilst the Members of Parliament (Charges and Allegations) Bill was three days in Committee before the Closure and four days altogether in Committee. That was a Bill which affected the whole Parliamentary position, the character of Mr. Parnell, and the whole foundation of the movement of his colleagues and himself, and after three days the right hon. Gentleman established the guillotine. Therefore the Leader of the Opposition had as much responsibility for the guillotine as any member of the House. He was amazed at the right hon. Gentleman's description of the want of public attention which the House now attracted. He was a Parliamentarian, and would regard the failure of the House of Commons to excite the attention of the country as a grave national disaster. When he heard the right hon. Gentleman talking about the House of Commons ceasing to attract public attention his memory went back to the last two sessions of the last Parliament when the right hon. Gentleman was Leader of the House and consequently was more responsible than anyone else for the arrangement of the business and its position in the public mind. The right hon. Gentleman made a number of changes with regard to Question-time, which he had always regarded as the most important part of every day's meeting. Question-time was the occasion when the House was able to fulfil and realise what was perhaps its greatest function as the grand court of inquiry before which very wronged individual and every grievance of the Empire could have a hearing. The right hon. Gentleman made some revolutionary changes in Question-time. What was the most remarkable difference between this Parliament and the Parliament of which the right hon. Gentleman was the Leader? The most remarkable of all the changes made by the right hon. Gentleman was the change in Question-time. What happened in the last two Parliaments? Question-time became curtailed until it was shrivelled down to a shrunken corpse compared with what it was in the early years of his Parliamentary experience. Nobody took the trouble to ask Questions, although at the present time seventy or eighty Questions were being put every day. But that was not the only point. During the last Parliament they came down to the House one night to discuss the question which was the very basis and foundation of the whole commercial condition of this country and the Empire. Could there be a more vital and fundamental question for discussion than that? Was there any tribunal before which that question ought to have been discussed and threshed out except the great Imperial Parliament? On that occasion they found the Opposition occupying their seats but the benches usually occupied by the majority of Ministerialists were empty. They found the Treasury Bench to which the nation had a right to look for guidance empty, and there was anarchy and chaos in the House of Commons because the Government fled from the discussion. When the right hon. Gentleman was describing the decadence of the Imperial Parliament he ought to have made a note of that scene. He was rather surprised that the Leader of the Opposition was able to get up and talk in that strain. The return of the present Parliament had synchronised with an enormous increase of prestige and respect for Parliamentary institutions. The right hon. Gentleman had said that they must go to the very root of this question, which was that the Parliamentary machine was asked to do more than it could deal with. This session they had tried an experiment which had not been tried in any other country in the world. There was no country where the principle of national unity had been preserved at such a sacrifice of blood and treasure as the United States of America, where the greatest civil war that was ever known took place between 1861 and 1865. The national unity of the United States had been baptised in blood to a degree which no other country had ever experienced, and yet that country had forty-three or forty-four subordinate local assemblies. Every man in America who was asked whether the United States could continue to exist if they tried to do all the work of the nation and the states and all the localities in one Chamber would say that such a policy was worthy of nobody except a man who had accidentally escaped from a lunatic asylum. In Germany they did not attempt to do all the work of the subordinate legislatures in one central Parliament. In Germany they had an Imperial Parliament to deal with Imperial affairs and local legislatures for local affairs. It was the same in Austria. But here in this Empire which was, after all, compared with all the countries he had mentioned, immensely larger both in interests and variety of subjects, they were trying what every Member who was either honest or intelligent or both knew to be an impossible task—to do in a single Parliament all the work of subordinate local assemblies as well as all the great work of the Empire. They might try the remedy of the guillotine or Committees—which he thought were most excellent. He had not himself been a member of many Committees, but he had sat upon some, and if the House would allow him to say so he thought the spirit of the Grand Committees compared very favourably with the spirit of the House itself. His own experience was that in Committees there was less of the Party spirit and fewer and briefer speeches, and even the hon. Baronet the Member for the City of London on Committees gave them a taste of his quality with an air so subdued that one could hardly realise that he was the same man who addressed them in the House. He would illustrate what he meant by a conversation which he had fifteen or twenty years ago with a gentleman who came to this country from Johannesburg. That place twenty years ago was not so well-known, and the name of Tipperary was rather better known. Even now Tipperary commanded more public interest than Johannesburg. There had been in Tipperary violent differences of opinion between the authorities and the people and some of the Members of the Party to which he had the honour to belong. There was at that time a good deal of heat and even fury with regard to incidents that took place. Members of his own way of thinking were of opinion that the police had exceeded their duties, but the Chief Secretary thought that an Irish policeman could do no wrong. In talking over this question with his friend from Johannesburg, he was shocked and surprised when he heard him say: "Do you realise that there is a country called South Africa? Have you ever heard of a place called Johannesburg? Do you know how that city is involved with difficulties which will demand the attention of this country in a very serious and a grave way before many years are out?" He had to confess that he had never heard the name of Johannesburg mentioned on the floor of the House of Commons. If people referred to Johannesburg at all it was only incidentally. And yet there was Johannesburg, the chief centre of a great industry, the chief city of a country which might one day come into collision with the British Empire, which might be the centre of a great war, and which, therefore, was one of the most momentous factors in the whole future of the British Empire, and it would not be mentioned in the next session of Parliament, whereas a little row in an Irish country town would occupy weeks, if not months, of the Parliamentary session, while all the great Imperial interests in South Africa were forgotten. He told that story as an illustration of the larger truth that this Parliament, which was called Imperial, was not Imperial in the true sense of the word. It had never yet been allowed to rise to the high dignity of an Imperial Parliament, and it never would rise to that position until it devolved on local bodies in all parts of the three kingdoms the duty of attending to local affairs. At present the Imperial Parliament was as unjust to those countries as it was to itself and to its own great possibilities and powers. He did not think anything was more shocking in the House of Commons than to see during a Scottish debate the presence of all the Scottish Members, and to note the absence of nearly all the English Members and the Members of the other nationalities, and then to find when the division came the voice of Scotland was often stifled by the votes of men, nine-tenths of whom had never even heard the Speaker or the Chairman of the Committee give the name and the purpose of the question on which they were going to vote. Irish Home Rule was after all but a small segment of a great circle. If this question could be divested of racial and religious prejudices, if it were not a useful question to restore unity to a disordered and disunited political Party, if the question could no longer be the battledore and shuttlecock of mere partisan politics, and of old and worn-out political shibboleths, the people would see the beginning of an efficient, dignified, and Imperial character, and this Parliament would devolve on Ireland and the other countries the management of their own domestic affairs.

MR. CROOKS (Woolwich) said that while Imperial interests were of the greatest importance to the British House of Commons, hon. Members were obliged to attend even to parochial affairs at some time or other. He represented for the moment a centre which could not be very well done without in times of emergency. He meant Woolwich Arsenal, and he would claim the indulgence of the House in order to call attention to the condition of things in connection with the discharges of workmen there. The circumstances of the whole place were almost tragic. Here was a town built up almost entirely during the last 200 or 300 years on Government work. The Government had attracted from time to time the very best workmen in the Kingdom to its service. It had always been pointed out that Government work was exceedingly steady and constant. That did not apply to manual labourers, though when a man got into the Government service as an official he never moved. Four or five years ago he visited a Government establishment within the metropolitan area where he found the conditions of employment in regard to women were very unsatisfactory. He called the attention of the superintendent to the matter and was informed that the women employed there were the wives of men who had served the country faithfully and well. Their pay was 11s. or 12s. a week, and they had families dependent on them. He said it was starvation pay, and the permanent official replied: "It is constant." What was constant was starvation. Woolwich had 140,000 inhabitants. The workmen there were a very respectable hard-working body. He did not say that with the view to his being returned again to the House, for he did not care whether they returned him or not. At Parliamentary elections there were too many instances of candidates bidding against each other, one stating that if the electors returned him they would get so much more than if they voted for his rival. He had tried to find out the circumstances which had led to all the trouble there, and he would give the figures relating to Woolwich discharges which had been supplied by the Minister for War, in Answers to Questions put by himself. In 1900–1 there were employed in all, in the Arsenal and Dockyard taken altogether, a maximum number of 26,378 men and boys. In 1901–2 the maximum number was nearly as great, 26,321. In March, 1906, the number was reduced to 16,704 (a reduction of 9,674), many of those remaining being on short time. There was a slight further reduction in the following weeks, and then 1,200 men received notice. Therefore, according to the official figures, there had been a total reduction in the numbers employed in Woolwich, effected almost entirely by discharges, of 10,874. It was not to be supposed that the official figures understated the case. But this was not all. The 1,200 men who received notice in April, and who had since been receiving their discharge at the rate of sixty and upwards per week, were not the total of those whose discharge had been determined upon. On 25th July, the Secretary of State for War stated his intentions. The men in the Royal Carriage Department were to be reduced to 2,500. There were 2,620 left in April. The Royal Gun Factory was to be reduced to 2,000. There were 2,420 left in April. The Royal Laboratory was to be reduced to 3,500. There were 5,727 left in April. The total further reduction from the number employed in April resolved upon by Mr. Haldane was therefore not 1,200 men, but 2,767, made up as follows:—In the Carriage Department, 120; in the Gun Factory, 420; in the Laboratory, 2,227; total, 2,767. These numbers, added to the reduction effected before last April, namely, 9,674, made a total reduction of 12,441 from war strength. There had been two stages in this process. There was the first reduction from the exceptional pressure of the war period to the normal level of employment for times of peace. There was a next further reduction effected under cover of the first, in order to carry out the new policy of the War Office towards the Ordnance Factories, that policy which the Government refused to allow to be discussed in Parliament. It was necessary that it should be ascertained as clearly as possible during what period, and to what extent, the discharges belonged to each of these divisions. In order to discuss this, it was necessary from the nature of the official statistics to deal, not with total employment in the Arsenal and Dockyard, but with the smaller figures relating to the "Ordnance Factories" in Woolwich Arsenal alone. He could not, however, emphasise too strongly that the total number of men already discharged from Woolwich was in round figures 11,000, and the total number contemplated, 12,441. It was impossible to include fairly any discharges made since the end of 1904 under the head of Reduction from War Strength to Peace Strength. The South African War broke out in October, 1899. The year 1898 was therefore unaffected by the war. In that year the average number of men employed in the Ordnance Factories was 15,293. In 1901 the average was 20,501 (the maximum probably exceeding 22,000). In 1904 the average was 15,848. Seeing that (1) since 1901 the Arsenal had increased in area by 313 acres; (2) that since 1901 £1,300,000 had been spent on new buildings, plant, and machinery in the Arsenal and Dockyard; and (3) that the Army and Navy Estimates for the present year, 1907–8, exceeded by 34 per cent. the Estimates for 1898–9; it was clear that the number 15,848 employed in 1904 was relatively very much smaller than the number 15,293 employed in 1898. About half of the total discharges belonged to the earlier series, which could possibly be attributed to reduction from war to peace conditions, and about half to the later series, which were entirely due to the new policy of the War Office in relation to the Arsenal. The exact figures could only be given for the Laboratory, the Carriage Department, and the Gun Factory; which were, however, the chief manufacturing departments of the Arsenal. For these three the figures were:—Average number of employees in 1901, 18,085; average number of employees in 1904, 13,515; reduction (war to peace), 4,570. Average number of employees in 1904, 13,515; future number fixed by the Secretary of State 8,000; reduction due to new policy, 5,515. Much public attention was excited, and Ministers proceeded to reassure Woolwich and the country. On 7th November, 1906, in answer to a Question the Secretary of State for War gave the following figures for discharges during the previous twelve months:—December quarter, 1905, 276; March quarter, 1906, 428; June quarter, 1906, 669; September quarter, 1906, 635; and added:

> "As I informed the hon. Member for Great Yarmouth, it is expected that the further discharges from the factories will not be more than 150 or 200 men."

A very similar assurance was given by the Secretary of State, solemnly and repeatedly, within a few days to the deputation from the Woolwich Conference. It was impossible not to accept it. And yet they knew now that the Laboratory, Gun Factory, and Carriage Department, which, when the Secretary for War was speaking, employed 11,212 men, were to be reduced to 8,000! The right hon. Gentleman's "expectation," then, to agree with his policy since, should have anticipated a discharge, not of 150 or 200, but of 3,212 men. He wanted to know what this great town of Woolwich was so touched for. Was the right hon. Gentleman quite sure that everything was all right now? He was a little tired—not with the right hon. Gentleman's answers which he gave to the House, but with the permanent officials who supplied the right hon. Gentleman with information. Over and over again from information given to himself at Woolwich he was aware that the right hon. Gentleman knew absolutely nothing of the true facts. They had had twenty years of this kind of rule in the Arsenal, and the result was that the permanent officials' opinion did not coincide with that of the right hon. Gentleman and of himself. The language used by the permanent officials to these poor men who were or had been employed in the Arsenal was, to say the least of it, abominable and would not be used for a moment by any decent employer of labour. He found no fault whatever with the Superintendent of the Arsenal, but with the subordinate officials. These men said that it was no part of his duty to talk politics to workmen inside the Arsenal, and that they could not expect anything else than these discharges if they returned a man like Crooks, who ought to be arraigned. That kind of thing had always gone on and had happened this very week. He might be told that he ought not to make observations like that on persons who were unable to answer them. Yes; but it was impossible to deal with them when one went down to Woolwich. The Expert Committee pointed out clearly that the whole machinery in the Arsenal which belonged to the nation could be utilised properly. He insisted that it was a national danger to allow the output of the Arsenal to get low down. He believed that the war material would soon be depleted in the event of a crisis, and that in the South African War the Arsenal was depleted in less than a fortnight. Yet the service was cut down by 12,000 men. Was there a lover of peace in the House who would argue that in any town in Great Britain with a population of 140,000 20,000 men should be thrown out of employment and into the streets without some effort being made to find them work? They were told that men were put out elsewhere. But why should work be given outside when the machinery in the Arsenal was allowed to stand idle? All this was going on, and the permanent officials talked about control and the impossibility of doing this, that, and the other thing. Mr. Donaldson told the Expert Committee last November that it would be a moral impossibility to conduct the affairs of the Arsenal with less than 14,000 men, yet the men were still further reduced. He would like the House to agree to a return of the investments of every man who was in charge in the Government service showing where his money was. He did not care whether a man called himself a Liberal or a Tory on a platform. If he were told where that man's money was invested he could tell what his politics were in the House. That reminded him of an incident which occurred to him when on his travels in Ireland. He happened to be in a train going to Clonmell and the train suddenly pulled up.

A man shouted out what had stopped the train, and the answer came that it was because there was a cow on the line. A little further on the train again pulled up with a jerk and the question was asked if there was another cow on the line. "No," was the reply, "it is the same old cow." So it was at Woolwich; there was no possible chance of moving. He would point out what some of the clever men were doing down there. It was said that it was in the interest of the continuity of the work of the Arsenal that these men with their superior knowledge should be retained in their good billets in the service of the State. They had been turning off workmen who were entitled to a bonus of £1 a year—he himself had some doubts about the bonus system—after serving seven years in the Arsenal and were of good character. One man had served seven years and a month, but these cute permanent officials took great care to find out that that man had been ill for six weeks, and therefore had not completed his seven years service, and consequently was not entitled to the bonus. There was not a chance to raise the question in the House, but there were great men whose yearly income would be to the workmen wealth beyond the dreams of avarice, who got a bonus of £50,000. The permanent officials did not "discharge" the last lot of men; they had found a new word for it—they called it "revision." That was to say that men were put off to make room for somebody else. He dared say that these men must feel quite dignified when told that they were not "discharged" but were only under "revision." These men had been kept starving. When they went to the Arsenal they were told that something might turn up from time to time, or that there was nothing for them to do just then. Fancy a man leaving his home in the morning and bidding his wife good-bye, leaving her under the impression that he was going to work, but after hanging about in the Arsenal for a few hours was sent out without a job. He wondered where was the initiative capacity of these captains of industry—the permanent officials at the Arsenal. He remembered two lines of Moore—

"To place and power your public spirit trends,
In place and power your public spirit ends."

Mr. Crooks.

These lines would apply to the public officials in the Arsenal. Some of the men had been kept at starvation wages of 15s. or £1 a week. What was worse, the men to whom accidents most frequently occurred were the men who were badly paid, and who were obliged to claim under the Workmen's Compensation Act. The reason was that with starvation wages they took with them when they left home the domestic cares of the wife and family. The consequence was that their minds were at home and not concentrated on their work. Another illustration of the cleverness of the permanent officials was that in calculating the earnings of men who were entitled to compensation, instead of calculating them at the rate they should have been paid at, they were calculated on their actual earnings when they worked only half or quarter time. In fact these Government officials only made a convenience of the poor men. He supposed that some day it would be possible for the Secretary of State for War to call these men together, or their representatives, and talk things over round a table and not depend so much on the information given by the permanent officials as now. The recent exposition of this question was dealt with by the right hon. Gentleman, and he thanked him for his intervention, because if it had been left to the old form of permanent officials they would have said they would have nothing to do with it, and that the people who went down would have to get up again. The right hon. Gentleman had, no doubt, had a great deal of trouble with his Territorial Army, but he wanted him to realise the conditions in which these men and their wives and families lived. He wished him to remember that he was responsible, and also that the humblest of His Majesty's subjects should be treated fairly. The right hon. Gentleman would have both public and private opinion behind him. Let them recall the marvellous demonstration of workers which marched nine miles from Woolwich to Trafalgar Square. It was true that in this matter they always obtained sympathy—it was the cheapest thing in the world. It used to be advice that they received, but now it was sympathy.

That they got in unlimited quantities. It reminded him that a Colonial governor had one stereotyped reply to a deputation when approached on any subject. He used to say, "Gentlemen, your appeal has touched me very deeply. It shall have my most careful consideration. Good afternoon. Mind the step." There the interview ended, and that was all they got in this country. He wished the Secretary to the Admiralty was in his place, as he wished to point out to him how he had sent working men away who might still have been kept at Woolwich. Surely it must be in the interest of the whole nation that the Government should keep a contented and happy lot of workmen around them. Thousands of men, whom this and previous Governments had attracted to the district, had built their houses in the neighbourhood; he supposed there was no place in the United Kingdom where there were so many owning householders as there were at Woolwich. They had exercised that thrift and self-control which was quoted so frequently in the House; but now, as a consequence of those very qualities which all admired, they had their houses thrown upon their hands. That meant that not only had they lost their employment, but that the money which they had invested in these houses would, at all events to some extent, be lost to them. In the case of a house worth £300 on which say £200 had been paid, to get out when he lost employment the purchaser would have perhaps to lose £40, £50, or £60. When the Government robbed a man of his manhood they drove him to despair and they robbed the nation of a valuable asset. There were hundreds of men who had gone out of the Arsenal who, being specialists, could not turn their hands to anything else, and he hoped the right hon. Gentleman would be able to say that no further discharges should take place and send a message of peace and hope to those who were in misery at Woolwich.

MR. ROWLANDS (Kent, Dartford) said that after the able statement of the case in regard to the Woolwich workers by the hon. Member for Woolwich, it was unnecessary to go into detail with regard to it. He earnestly hoped, however, that the Government would realise the seriousness of the situation which had been created there. He was not going to say that there was anything which could be done by the Government, but he thought that things had now reached a pass where they ought to know whether the present discharges could not be arrested. The nation had there an enormous factory, which they had to keep up at considerable cost to the country, and which they would want in times of danger and difficulty to the community; but, during the last six years these discharges had been going on. They had hoped from time to time that they had reached the stage at which they would cease, but that had not been the case. As his hon. friend had said, the difficulty was that in Woolwich they had a town existing on one employer and one employer only. These men, as he had said, were highly skilled men, but they were being sent out of the country and the nation could not afford to spare them. They thought that in the future there should be an absolute standard of employment given in these Government Departments, and that the reserves should be kept up to a higher point so that efficiency could be secured on an emergency. The investigations of the recent Committee had, he thought, laid the foundations of some practical alteration which would give employment to a large number of men in time of peace. He did not wish to lay blame on any one in the past, but he wanted a change in the future, and he hoped the right hon. Gentleman would tell them that they had touched bottom and reached the last of these discharges, and that a new feature would be developed in regard to employment in this Department, so that the stability which had been talked about should be there in regard to the workers as well as in the case of the permanent officials. Another matter of complaint was that men had been deprived of bonuses to which they were entitled, and on the general subject he hoped the right hon. Gentleman would be able to say some words of comfort which would tend to contribute to the happiness in the future of the workers of the Woolwich Arsenal.

THE SECRETARY OF STATE FOR WAR (Mr. HALDANE, Haddington) said the dominant note in the speeches just delivered was the desirability of putting an end to the period of uncertainty through which Woolwich was passing. It was quite true that it was very difficult to arrive on solid ground in their forecast as to the future. He had been disappointed as bitterly as hon. Members had been in regard to getting a clear view of what the establishment at Woolwich should be, but he thought he was in a position, following up the announcements which had already been made, to say that they had got solid ground at last. The process for reduction had been a very painful one, but it had arisen from a very simple cause. They were, he was thankful to say, in a time of peace, and one of the duties of a War Minister at such a period, following a great war, was to get military establishments into order and to conduct Army expenditure with the strict economy which could be justified by those who were trustees for the nation of national finance. The real cause of this reduction had been simple, and it was that there was in time of peace no work for the men who had been discharged. He believed, however, they were now standing on solid ground. The Member for Woolwich, in a speech which was very fair on all other points, had made some reflections on the permanent officials at Woolwich when he spoke of abominable language being used to men who were discharged. That was the first he had heard of the matter. If he had had information of it, it would have been inquired into sharply. He thought, however, his hon. friend must have been to some extent misinformed.

MR. CROOKS: I will give the right hon. Gentleman the names.

MR. HALDANE said he would be glad to have them. He had visited Woolwich and seen the permanent officials, and had found, as far as he could judge, every desire on their part to co-operate with the Government in carrying out this disagreeable duty as lightly and easily as possible for those who were sufferers by it. The Financial Secretary and he and the permanent officials had been in almost daily consultation with a view to avoiding the very things of which his hon. friend had spoken, and they had done their best to get at the bottom of the situation. The hon. Member had done his duty by his constituents and his conscience, and in so doing had also kept in view public interests. Although the hon. Member had pressed him very hardly he had not done so in any way illegitimately. He did not agree with the view that the establishment was dangerously low. There was no worse state of things than that under which an attempt was made to keep a large number of workmen going without sufficient work. The War Office could not, like private firms, manufacture on a speculative basis in the hope that better times were coming. They were limited to the requirements of the financial year. If their establishment was too large the result was misery to everybody concerned. In that conviction this matter was taken in hand before he came into office, and a policy was adopted which he thought was wise. They had to deal with fluctuations, and the fluctuations had been of a remarkable character. The hon. Member for Woolwich had spoken of 1898 as a peace year, but that was not really the case. There were expeditions to the Soudan and Somaliland and a number of small wars, of which he was glad to say there were now none. If he went back to 1884–5, which was a peaceful time, the total number of men employed at Woolwich, including the central stores, was between 6,000 and 7,000. The number fluctuated in subsequent years. In 1894–5 it was 11,910, and eventually it went up to 20,000. But if one went back to what were really times of peace the figure would be found not to be far from that which he was about to mention.

MR. J. WARD (Stoke-on-Trent): The right hon. Gentleman has mentioned 1885 as a peace year. The only time I ever went to war was in 1885.

MR. HALDANE said he hoped his hon. and gallant friend was well supplied with stores at that time. In the summer of 1905 the late Government appointed a Committee, under the Chairmanship of Sir George Murray, the members of which comprised Sir James McKay, Mr. Llewellyn Smith and others, to ascertain the proper minimum establishment to be maintained in peace on a footing capable of expansion in time of war. That Committee had within the last few weeks ascertained that minimum. Another Committee, under the chairmanship of the hon. Member for Barnard Castle, had been inquiring whether work which had not hitherto been done at Woolwich could not be done there. The Report, which was very cautious and tentative, made certain recommendations. The result was that, whereas the Treasury Committee fixed the minimum establishment at a very low figure, it had been found possible to raise it by about 1,000. In 1901 the numbers employed at Woolwich Arsenal reached their highest point, 20,501. In 1905 they stood at 15,150, a reduction of 5,351. That the numbers had not been still more rapidly reduced was due to the fact that requirements of an extraordinary nature had to be met—the building up of reserves and the re-armament of the Field Artillery. By the end of 1905 this work was coming to an end, and further large discharges became inevitable. The very liberal proportion of orders allotted to the ordnance factories could have been increased only at the risk of losing outside sources of supply. And we must have some sources of supply in the great industrial centres. If we had not that source we should in time of war be unable to obtain that assistance. No Government establishment could stand the strain of a great war without it Therefore, the Government had endeavoured as far as possible to keep these matters distinct and under different heads. But he was afraid, notwithstanding what they desired to do, that they had kept Sheffield and Newcastle on a very lean scale of employment just lately. The principal recommendation of the Committee was that they fixed the minimum establishment for Woolwich from which they might expand, but they must not reduce the number employed below that minimum. The minimum was fixed on the footing that they would have employment enough to keep the men going, and also be able to provide a certain number of orders for Sheffield and Newcastle and other places. The essence of it all was that the employment of the minimum at Woolwich, under the principle recommended by the Committee, was that they were sure to keep the minimum of workmen employed. The Committee took a very drastic view of what the minimum ought to be. The recommendation of this Committee did not touch the Central Department and the Building Department of Woolwich, which employed over 3,000 men; it dealt simply with the work of the factories. The recommendation of the Murray Committee was that the work in the factory should provide employment only for a minimum of 7,400 men. As he had said, largely because of the recommendations of the other Committee, presided over by the hon. Member for Barnard Castle, they had been able to increase that 7,400 to 8,400, and they should be in a position to keep the minimum at that always allowing a 5 per cent. margin for any necessary fluctuations during the year, and there need be no reduction except by ordinary wastages. The number would not be allowed to pass the limit in either direction under normal circumstances. Beginning with the minimum of 8,400, they had next to consider the present state of things. In the factories, on 12th August, there were employed 8,996 men, which brought them to 596 over the minimum. There were still some discharges going on, and they would go on until September, and these would bring the number down by 300. After that they did not intend to go on with discharges, but would leave the further reduction till the minimum was reached by ordinary wastage. There were only 300 more discharges in view, and these would be closed in September. They were most anxious not to go on with them until the winter period, when employment would be difficult to get by those who were discharged. That being so, the state of things was this, that the figures for the factories were what he had given. Enfield, where rifles were made, and Waltham, where cordite was made, were, of course, entirely outside, and their reductions were very small indeed. The minimum recommended for Enfield was 2,000, and the actual strength a few weeks ago was 2,048, so that wastage would put this right very quickly without discharges. The Waltham establishment was to be

630, and the actual strength a few weeks ago was 735, so that again wastage without discharges would put the matter right. It might be that they would not have orders enough to find work for the minimum, and in that case they must resort to other sources. They hoped, with the minimum of 8,400, to give stability to the flow of employment in Woolwich in the future. He was quite aware, in saying what he had said, that this meant a very great reduction from the war establishment. He was quite aware of the hardship to Woolwich; he was quite aware of the hardship to a town where houses were unoccupied, and where there was less employment going on. They were bringing things down really to the same figures as in 1893–4, when the number was 11,800. The total would now stand, including the 3,000 employed in the Central and Building Departments, at 11,500. But there would be this counterbalancing circumstance, as far as he could forecast, on the advice of skilled advisers: the evils of the past would be at an end. The employment would be continuous, and there would not be those violent ups and downs that there had been, nor would there be the discharges, while they hoped to be able to replace wastage in the ordinary course. He thought it was infinitely better for Woolwich that she should have a stable and certain element in the shape of a Government workshop with a fixed establishment and steady employment for its men even on a small scale, than that she should have the large and fluctuating one which had been in existence in the past. He hoped he had made clear the reason of the unhappy circumstances of the few years that had gone by. The reason of the reduction and of the present condition of things was that they had been in the transition period between war and peace. It was inevitable. But now they had got a steady foundation, and with peace Estimates it was possible to fix an establishment which would be free from these evils which they could not avoid unless they tried to put things on a permanent and definite basis, exchanging the uncertainty of the past for the certainty of the future. Some reference had been made by his hon. friend to revision. That was in the Ordnance Department. There were a few cases of revision, he thought eighteen, he doubted whether so many. They wished to be model and frugal employers. They wished to make the condition of their employees as good as they could. The scale of wages they paid seemed less than the scale of wages paid by private employers, and he dared say that in many respects it was not so great as private employers adopted in times of high prosperity; but there were certain advantages accruing to Government workmen in the shape of allowances and other things. But this was a controversial topic, and he did not feel called upon to offer an opinion whether the Government workman was as well off as the employee of a private firm. At any rate, what they wished to do was to give the men stability of position, and reach a state of things in which the violent fluctuations of the past would not exist in the future. Whether they had succeeded in that he did not know. He could only tell the House that they had done their very utmost to achieve the object they had in view, and it was not until a few weeks ago that the efforts which had been made reached a stage which enabled him to make the present statement.

Mr. CURRAN (Durham, Jarrow), in calling attention to the state of affairs in Belfast, said he was not responsible for having to raise the question at this juncture. They had desired to raise it on the adjournment of the House some days ago, but they were unable to do so owing to the rules of procedure. Though he had certain feelings with regard to those rules, as far as he was personally concerned he desired to conform to them until such time as the majority of Members were converted to the wisdom of altering the rules of procedure so that business could be carried on in a more expeditious manner. In raising the question at this juncture, he did not want to reopen wounds in Belfast which were now healing and which he hoped would be absolutely healed before many days were over. The question which they desired to bring before the House was one of principle regarding the future policy of the Government with reference to labour disputes which might arise in any part of the United Kingdom. He and those acting with him submitted that the presence of the military in Belfast had been largely responsible for the unfortunate occurrences in which people had met with their death, and the violent scenes witnessed on Wednesday and within the last three or four weeks. If any argument were needed to prove that the presence of the troops had an irritating influence on the community, the fact that during the two days they had been confined to barracks peace had prevailed in Belfast supplied that argument. He was led to understand that the chief magistrate of the city, according to the King's Regulations, had the privilege of calling out the troops without consulting anyone, even his colleagues in the corporation. If that were correct, he submitted on behalf of his colleagues, that it was an extraordinary power to vest in any one individual. It was a power which had not only brought about great difficulties in Belfast, but might tend to bring about extraordinary difficulties in other countries of industry both on this side of the Channel and on the other. He desired to cast no reflection upon the Lord Mayor of Belfast. He wanted to discuss this matter on lines of principle rather than on personalities. But he repeated that it was a most dangerous thing to give to any one person, even the highest in any city of the country, power to call upon the military forces without any due investigation being made. He submitted that before the troops were allowed to parade the streets of any industrial centre where a dispute was in progress, stringent inquiries should be made by the War Department to find out whether there was any justification for calling out troops, as was done in Belfast. If such inquiries had been made in this case the military would never have been needed in Belfast at all. As far as he had been able to gather, nothing occurred in Belfast prior to the troops going except those occasional collisions between unionists and non-unionists which occurred in almost any dispute in every part of the country, and if that was all that occurred prior to the calling in of the military, then, in his judgment, the person who originally called in the military had a tremendous responsibility cast upon him, and had something to answer for. Then the question of the cost arose. With all due deference to the Ministers who had been most courteous in their replies to questions addressed to them on this question, he submitted that the constabulary and the military had been used entirely in the interests of the shipping and the railway companies, and they had been utilised—and he made this statement on the best authority from Belfast—not only to guard the property of the shipping and railway companies, but distinctly for the purpose of going round and showing the non-union trollymen the place where they had to deliver their stuff, and to guard them while the stuff was being delivered. If the military and the constabulary had been used for these purposes, if they had been used for guarding the interests of the railway and shipping companies and for preventing the possibility of carrying out the Trade Disputes Act passed last year, in his judgment those companies ought to be called upon to bear the cost. He was informed that during the agitation in Ireland many years ago there were certain landlords who called for military protection and escorts, and after the agitation had subsided those landlords had to pay the cost. When a precedent of that kind had been laid down in Ireland he hoped the Government would see that the railway and shipping companies paid their due share of the cost of the military and constabulary during the last six weeks in Belfast. There was one point which touched them very severely in these matters. This was not the first time that the military had been called out in labour disputes. He knew of no matter so serious having occurred in a labour dispute as that which occurred last Monday in Belfast. On that occasion three people met their death—three innocent people who had absolutely nothing to do with the dispute in any sense of the term. It was unfortunate that these things always seemed to occur when a Liberal Government was power. They had often been reminded of the unfortunate occurrences at Featherstone and Southampton which occurred during the reign of Liberal Governments. He agreed that the Ministry were not responsible, but it was somewhat remarkable that these things did occur when a Liberal Government was in office. What they felt most was the fact that when the military were called out, and when extra forces of police were requisitioned, they were never called out to protect the organised workmen who were endeavouring to maintain a living wage. They were always called out to protect property. On the Labour Benches they believed that there were human rights as well as the rights of property. Ever since he had been a Member of the House he had observed that the rights of property had always been put first and the rights of humanity second. They desired to reverse that order of things. Within the organised labour movement both in this country and in Ireland they had the cream of the working-classes and some of the most thrifty, steady, and capable men in the United Kingdom belonged to trade unions. Many large employers of labour were ready to admit that. Trade unionists were taxpayers; they contributed largely towards the taxes of the country. As a matter of fact, they contributed more to the taxes than the men who were against them in industrial disputes. These men lived a fairly comfortable life when they were in employment, but when they were endeavouring to maintain a living wage all the forces he had mentioned were used against them, in the interests of the employers. They were not satisfied that this state of affairs should go on, and their desire in raising the question in regard to Belfast was that in future the head of the War Department and the head of the Government either in England or in Ireland should take due care that nothing was done to endanger life until every other method had been exhausted. They could not undo what had been done in Belfast, but he hoped what had occurred would be a lesson to the Ministers of the Crown not to permit the menacing position taken up by the troops in Belfast to occur in industrial disputes in the future. We had in this country the reputation for being able to conduct industrial disputes in a quiet and peaceful way. There were foreign countries which were noted for violence in these matters. Those labour representatives who were at the head of the trade union movement were strongly desirous of conducting their operations in a peaceful and legitimate way, and he believed in the case of Belfast they could have accomplished that purpose had it not been for the presence of the armed forces of the Crown. The introduction of the military had prevented that possibility. With regard to the obstinate position taken up by the railway and shipping companies, it seemed unfortunate that, even in this House, those who represented the working class movement and voiced the opinions of their fellow-workmen were unable to do anything to bring pressure to bear on the large capitalistic forces involved in this dispute. There was no class of capitalist in the country that had received more privileges from Parliament than the railway companies. Upon this question he wished to be perfectly candid and to declare that as far as one Member's voice was concerned it would be raised in the future to prevent the possibility of such privileges being conferred upon certain railway companies. Those railway companies had taken up the obstinate position of ignoring even the highest citizen in Belfast, because when appeals were made by the Lord Mayor the companies absolutely refused all negotiations. When a body responsible for carrying on the commerce of the country took up that attitude and refused to submit the points in dispute to arbitration, when they refused to accept the assistance of the Board of Trade or any other tribunal, they stood condemned in the eyes of all sensible and intelligent people. That was what had happened in this unfortunate dispute. He had not doubt that the responsible Ministers of the Crown were just as anxious as he and his friends were for a speedy ending to this unfortunate affair, but in the meantime the Labour Party raised the question in order to impress upon the Government the necessity of exhausting every other means before the military were allowed to enter any town or city where an industrial dispute was taking place.

MR. SLOAN (Belfast, S.) said the hon. Member for Jarrow had confined himself to the inadvisability of the policy of calling out the military in any industrial dispute before every other means had been exhausted. He did not think he would be doing his duty to his constituency if he failed on this occasion to get up in his place and give more details than the hon. Member had furnished the House with. Ever since he had had the honour of representing South Belfast he had shown no sympathy whatever with the tyranny of capitalists or of labour organisations, because there were other interests in Belfast. In the interests of fair play and justice he thought the line of demarcation must be drawn. It would be remembered that the Royal Irish Constabulary revolted, and the disaffection which followed left the city entirely in the hands not of the strikers but of the won't-workers, who took advantage of the industrial dispute to bring disgrace and suspicion upon those engaged in it. It had been admitted both on the Government and on the Labour Benches, and there was no question about it, that a great deal of the violence used under the guise of peaceful persuasion or picketing was not endorsed by the responsible labour leaders, but was done by men who were irresponsible to them and over whom they had no control. When the Royal Irish Constabulary decided that the time of this strike was opportune to set their grievances before the Government, he confessed that in the interests of good government and considering his responsibility as a Member of the House he thought it was his duty to condemn their action as inopportune, although he had always previously been in sympathy with them. The time they took, in the conditions under which they were placed, to exercise their right was to no right-thinking man a proper time and could not in the interests of peace be condoned. If they had a grievance, instead of joining the forces of disorder they should have stuck to their guns and enabled the Irish Executive to carry out their duties. When the crisis was over then they might have put forward their claims in a reasonable and sensible manner. The references to the strike in the English newspapers had always been accompanied by an explanation that the Belfast people were noted for disorder, riots, and turmoil. In the city of Belfast there was always the danger of religious feeling being introduced, no matter how the dispute arose. Unfortunately, the people there were sharply and keenly divided upon religious questions. They had what were called Nationalists and Unionists. The former were confined to one part of the city, and the other parts of the city were supposed to be composed of Unionists and loyalists. All the riot and disturbance and the firing by the military had been confined to one particular division, and no part of the other three divisions had been affected. Only those who lived in the city of Belfast could understand that the disorder was occasioned not by the men who had a legitimate claim to carry on the picketing, but by men who were not really concerned in the dispute at all. The calling out of the military was a deplorable thing, but there were sections who looked on the calling out of the military with favour, just as there were those who looked on it with disfavour. If the town had not sufficient protection from the police then the troops had to be called out. He believed there was a possibility of the present state of affairs coming to an end, and it would be regrettable if that debate should cause anything in the way of suspicion or disorder. He could not sit down without saying that Belfast had suffered from invasion by the hon. Member for Colne Valley. He was glad to know that he was an irresponsible Member, and that even the hon. Members on the Labour Benches would not attempt to justify his speech. He thought that it was deplorable that the railway companies would not submit the dispute to arbitration. His own opinion was that the only way to settle strikes such as this was by arbitration. He held that where possible arbitration should always take place. The Chief Secretary had been denounced for his inaction. Then when the right hon. Gentleman gave instructions to the civil authorities his action was supposed to be too late. He knew from personal and private communication with the right hon. Gentleman that no Minister of the Crown could have been more earnest and anxious to put himself to trouble and pains to try to solve this problem than the Chief Secretary. He did not think they could charge the Government with responsibility for the scenes which had occurred in Belfast. Labour leaders came over last week for the purpose of asking him to impress on the Government that the military should be withdrawn; he pointed out that the Government had no power, and they did not seem to be satisfied with that. From replies to Questions put in the House by the hon. Member for Jarrow it was quite evident that the Government were powerless to refuse to the civil authority what they considered necessary for the preservation of peace in the city. He thought, under the circumstances, that the riots took place by reason of the military on the streets; but if any Member of the House had been in his position and had received the shoals of letters which he received by every post calling for necessary protection, he would feel that there was really some justification for the calling out of the military at the time they were called out. He thought that the real strikers deplored the state of affairs as much as anybody. He was sure they were willing that their "war" should be carried on in a proper and decent fashion. Whoever was responsible, there was no doubt that the violent speeches which had been made, and the action which had been taken in destroying property and endangering life, did more harm to the legitimate strikers than anything imaginable. He knew no place in England where a similar emergency could arise. In this country trade disputes were carried on with the greatest ability and amiability, and sometimes even harmony. It was to be regretted that the dispute in Belfast should have culminated in the way it did. He had been in constant communication with the Labour Members since the dispute began, and he wished to state that there was not one of them who, in his judgment, did not repudiate association with such tactics as had been used in certain parts of the city. They had endeavoured, as far as they could, to co-operate and do good work with the view to a peaceful and honourable settlement. He thought it was due to them that that should be stated. He trusted that their efforts, and the efforts of those in positions of authority, would soon result in bringing to an end this deplorable dispute.

MR. J. MACVEAGH (Down, S.) said he was anxious that no words should fall from him which would continue the excitement in Belfast or retard the settlement which they all desired. He would like to lay before the Chief Secretary for Ireland and the Secretary of State for War a few points which would tend to fix the responsibility for the unfortunate circumstances which had arisen. He gathered from the Army Regulations that the military could be called out on the demand of a Mayor, a chief constable, a divisional commissioner, a resident magistrate, or of any officer of the Royal Irish Constabulary. He agreed with his hon. friend that it was a terrible responsibility and power to place in any one man to call out the military. What he would like to know from the Secretary of State for War or the Chief Secretary was whether anybody in authority in Belfast besides Lord Shaftesbury was consulted before the military were called out in the first instance. He was not now referring to the calling out of the military on the night of the riot. He went back to the beginning of the strike when the military were brought out. Was the corporation consulted? Were the local magistrates consulted? What steps were taken to ascertain whether there was any real necessity for placing the military in the streets of Belfast? He need scarcely remind the House that the Lord Mayor of a big city was generally an employer of labour himself. In this case, happily, he was not. The present Lord Mayor of Belfast had no personal interest as an employer of labour, but as a rule the Lord Mayor would be an employer of labour and would have a personal interest in any strike of this kind that might arise. It was a serious matter that a man who had a personal interest in a strike should have the power to call out the military in his own interest. In the "Manual of Military Law" he found the following statement—

> "Soldiers may be summoned in case the civil authority is in danger of being overpowered, but they should not be called into action till the necessity arises for protecting life and property by military force."

He presumed the Secretary of State for War accepted the responsibility for that. Why were the military called out in Belfast before any necessity had arisen? The police had not been overpowered by the mob. The military were called out before the police were overpowered or seriously attacked. That was an indisputable fact. It could not be said that the police strike was the reason for calling them out, because they were called out before the police strike took place. He did not propose to elaborate the point raised by the hon. Member for Jarrow that when the military were brought out they were used in the interests of the employers. It certainly was the general impression in the city of Belfast that the military were placed in the streets in the interest of the employers, and that that indeed was the object for which they were brought out. Another passage in the "Manual" said—

> "Soldiers, when acting in aid of the civil power, in no respect differ, in the view of the law, from armed citizens. Their organisation prevents their being conveniently employed in using moderate force for the purpose of dispersing or apprehending rioters without doing them any injury; and as a general rule any action on their part involves the risk of inflicting death, or, at all events, grievous bodily harm. Soldiers, therefore, should never be required to act except in cases where the riot cannot reasonably be expected to be quelled without resorting to such means of repression. These cases are practically confined to riots in which violent crimes, such as murder, house breaking, or arson, are being committed, and to insurrections in which an intention is clearly shown to attempt by force of arms the overthrow of the Government, or the execution of some general political purpose."

Nobody could seriously contend that such a state of affairs had arisen in Belfast at the beginning of the strike when the military were first placed on the streets. He felt certain that the tragic events which happened in Belfast were due to the presence of military in the streets. The very fact of placing camps of armed men in the streets was enough to attract the mob everywhere and to increase the excitement. It was the most effective means possible of leading to disturbance, and that was proved by the fact that immediately the military were withdrawn peace was established and had been maintained since. In regard to the firing by the military, he presumed that the only point that arose was whether it was necessary, and whether the officers exercised caution to see that no injury that could be avoided was committed. An hour was generally allowed to elapse between the reading of the Riot Act before the military were called upon to fire. He knew that it had been held by the Courts that that was not absolutely essential, but that they must proceed to repel force by force. Of course everybody knew that a magistrate was there; but the first thing the mob did was to extinguish the lights, and therefore they could not see him read the Riot Act. Moreover, he thought that if the military were going to fire at all they should have begun by firing blank cartridge. He did not think it was necessary for the honour of the Army that there should be somebody killed. He hoped, therefore, that if it was necessary that these powers should be conferred on the civil magistrates to call out troops, and if the regulations enabled the military to fire bullets at the beginning of a riot, the Army Regulations would be reconsidered and an amendment made in them without any unnecessary delay. He trusted that the inquiry which was proposed to be held would cover these points, and that the Secretary for War would consider whether it was possible to amend the Army Regulations so as to prevent a recurrence to such a tragic event.

*MR. CHARLES CRAIG (Antrim S.) said he regretted that the matter of the strike and the disturbances in Belfast should have been brought before the House just at the moment when negotiations were in progress which everybody hoped would have the effect of ending the unhappy state of affairs which existed in that city. Although he did not agree with all that had been said by hon. Members below the gangway, he did not complain of the tone of their speeches. He and his colleagues, however, felt very strongly that at that juncture it would have been much better, as negotiations for a settlement of the strike were going on, that nothing should have been said about the unhappy state of affairs in Belfast, but the representatives from the North of Ireland thought it necessary, as the subject had been called attention to, to answer the remarks that had been made below the gangway. It seemed to him that the whole condition of affairs in Belfast might be looked at from two points: First, the merits of the respective cases of the masters and the men; it would be highly improper for him to deal with that subject at the present time; and secondly, the employment of the military to aid the civil authorities generally and in suppression of the riots during which three unfortunate persons were killed. Every candid person who had read the reports from day to day of the occurrences in Belfast would agree that the military were called out not one hour too soon. The state of affairs which existed in that city had gone far beyond what was supposed to exist during the continuance of an ordinary strike. Acts of violence became so numerous that the employment was necessary of large numbers of police. The fact that there was a strike among the police themselves alone justified the authorities in calling for the assistance of the military. He did not want to compare either favourably or unfavourably the city of Belfast with other cities in the matter of strikes, but it was admitted that a large number of acts had taken place which even hon. Members below the gangway did not justify. It was almost unthinkable what would happen in a city like Belfast if any large section of the police had actually carried out the threat which, it appeared at one time, they intended to carry out. The authorities in Belfast and in Dublin would have acted with very great want of foresight and with criminal negligence if they had not provided against anything in the nature of a strike amongst the police. Even if there had been no dissatisfaction among the police the lawless acts that were committed made it necessary to call in the military. So many of those acts were of such a lawless nature that the police were totally unable to cope with them. It was impossible for the police to be everywhere, and the rioters—not all strikers, but also those who sympathised with them—were not concentrated in one locality, but spread over the city. He would give a few instances of those acts of violence and lawlessness committed under the pretext of peaceful picketing.

"July 9th.--Van belonging to J. & A. Beck & Sons overturned. Constable who arrested one of mob beaten and kicked. Two vans belonging to Henry Martier & Co., laden with goods, stopped. Goods scattered on street, one van run into river, the other burned. Police baton charge in connection with incident.

July 22nd.—Van with bags of flour held up in St. George's Street, bags thrown off van, several stolen.

25th July.—Belford Vitriol Works van, at Stewart Street, oiled with paraffin and destroyed by fire. Van with two cases machinery and castings belonging to James Mackie & Sons stopped in High Street. Cases broken, contents scattered and destroyed; cases fired. Lorry with bales of goods belonging to John Fulton & Co. attacked. Bales flung on street. Lorry thrown into river.

"30th July.—Two lorries laden with paper for David Allen & Co., Ltd., stopped and overturned in St. George's Street. Contents of one van scattered on street.

"1st August.—Attack on Castalia vans at York Dock. Police stoned. Vans obliged to go away empty. Customer's van leaving Hughes, Dickson & Co.'s mill stopped at Alexander Street, W. Bags of bran ripped with knives and destroyed in presence of police.

"2nd August.—Attack on two coal-laden vans (John Kelly's) in Waring Street. Coal flung on roadway.

"3rd August.—Pratt & Montgomery's van, laden with sugar from Rotterdam Quay shed, attacked. Horses taken from van. Sugar flung on street. Bags soaked with paraffin and set on fire. Van flung into river.

"6th August.—Lorries belonging to Alexander Reynolds stopped in Corporation Street. Strikers armed with sticks. Drivers compelled to take horses from vans and leave latter on street.

"8th August.—Attempt to set Hughes, Dickson & Co.'s mill, Diver Street, on fire. Door oiled with paraffin and fired. Quantity of hay steeped in paraffin and placed against door ablaze."

He had read enough to show that it was perfectly clear the police were not in sufficient numbers to prevent these acts of violence which no Government or authority could tolerate for one moment, and that alone rendered it necessary for the civil authorities to call in the assistance of the military. With regard to the riot in which three lives were lost a few nights ago, he would like to point out that the district in which that happened was a district outside the chief area of the strike altogether. Everyone in Belfast knew that it had little or nothing to do with the strike. It took place in a part of the town which was inhabited almost entirely by Nationalists. He did not wish to say anything which, being reported in Belfast tomorrow, might extend the ill-feeling which already existed, but he felt bound to emphasize the fact, as the matter had been mentioned, that that attack took place in the Nationalist quarter of the town and was really one by the Nationalist party on the forces of law and order. It seemed to him that the fact that such a large number of persons acted as they did on that night was a justification for bringing out the military. It must be borne in mind that on this particular occasion the military were not brought on the scene until the riot had been in progress for a considerable time, which disposed of the statement made by the hon. Member below the gangway that the presence of the military was mainly the cause of the riots. The riot started with a small row and the police barracks was besieged and disturbances resulted. It looked as if the mob were going to capture the barracks, as the police either outside the barracks or inside them were utterly unable to make any impression on the large body of rioters. There was, therefcre, nothing whatever for the authorities to do except to call upon the military to disperse the rioters. As to the question whether the military should first of all have fired blank cartridge, that was a moot point and one which always cropped up in cases of disturbances of this kind, but personally he thought the course taken by those in command of the military was the right and proper one. Here they had a riotous assembly which was doing damage of a serious nature, which was constantly becoming more uncontrollable, which had been warned by the police and by the magistrates; the people knew the fate in store for them if they did not disperse, and it had always seemed to him that in the interests of the people themselves the military should fire at them at once rather than fire over their heads or fire blank cartridge. This, however, was a matter of opinion upon which people held different views. He was glad of this opportunity of publicly stating what was the almost universal opinion, namely, that the conduct of the military throughout the disturbances was beyond all praise. From the accounts in the newspapers and from those which he had received in private letters, he had been greatly struck by the excellent bearing of the men who had carried out a task which must have been most distasteful to them in a most praiseworthy manner. The military were not natives of Ireland, and they were called upon to perform this most distasteful task, and they behaved in the most splendid manner throughout these disturbances. He would conclude by saying that nothing that had been said that evening would, he hoped, have any influence upon the disturbances, and he recognised that the Labour Party were as desirous as they in that part of the House were that these disturbances should cease. The appeal to the military and the use of them had been carried out with the greatest discrimination and without any intention of favouring one party or the other to the strike.

MR. J. WARD said he wished to present to the House a side of the controversy which had not been dealt with at all. First of all, they, as trade unionists, were extremely gratified to know that the lawless acts complained of as committed during this dispute were not attributed to the strikers or to the organisation of the men. He thought it would be a great mistake that every other resource of authority should not be employed before the military were brought in, but the point which he wished to refer to particularly was the use of modern arms in dealing with the civil population. It seemed to him about the cruellest thing that could be done. He could understand in the old days the use of the old musket, because by that weapon they really hit the rioter; but the use of modern arms was indefensible. It had been suggested that the military should fire over the heads of the people, but that might have resulted in disaster miles away, whether people were in or out of doors. A nine-inch wall was no protection against a modern rifle, and they did not want indiscriminate slaughter when engaged in suppressing civil disturbances. What they wanted to do was to intimidate those who were breaking the law. What had happened in this case, as in 1893, was that innocent people were the victims of the action of the military. If the military were to be called in, some precautions should be taken that the injury inflicted should be on those who were taking part in the riots and not upon those who were not. He suggested that, when the military were employed in future for the purpose of suppressing civil disturbances, they should be armed with weapons intended for the very purpose of suppressing such disorder, and not with a weapon intended to cut down a person miles before one saw him. He would suggest to the Secretary of State for War that some scheme should be devised so that the military might be armed with a weapon which was sufficient to overawe those who were committing the offence, but which would not injure those who were committing no offence at all.

THE CHIEF SECRETARY FOR IRELAND (Mr. BIRRELL, Bristol, N.) said he was sure that everybody who had listened to the speech of the hon. Member for Jarrow would recognise that he had introduced this question with most admirable temper and in a most reasonable speech. He was new to work of this kind, but it had been a pleasure to him in the last few days to be in constant communication with Labour leaders in that House and to find them so helpful and so sensible. There was no difficulty in such circumstances in really profiting by negotiations. Some reference had been made to the strike, and he thought he was in a position to say, although he spoke with some caution, that all points of difference between the men and the employers had already been settled. Dealing with the general question, he said the position of chief magistrate of a great city like Belfast was one which no one would envy. He was bound by law, associating himself it might be with his brother magistrates, to take the steps which appeared to him to be absolutely necessary in order to secure the lives, limbs, and property of the citizens. If he did not act, he was indictable; and if he acted improperly, if he called out the military too soon, he might find himself in the dock charged with manslaughter. Therefore, they must feel that it was a very difficult position for any man or body of men to be placed in. But these difficult positions must occur, and they had to rely in moments of great emergency upon individual men. They could not put those great duties into commission. They could not discharge them by popular assembly. They had to place confidence in men in these positions, knowing that if they went wrong they would be subject to very severe criticism, and, it might be, to very painful legal consequences. He did not want to go into the question as to the necessity for calling out the soldiers—for requisitioning them to be there in the first instance as a precautionary measure. The evidence before the chief magistrate was certainly of a very serious character. The streets had been given over to scenes of disorder, great injury was happening to all sorts of persons in no way connected with the strike, and it was necessary to see what steps could be taken to secure the ordinary decencies of life. Then there was the trouble about the police. He did not wish to exaggerate that, but it was for the time being a very considerable trouble, and no one had any means of estimating how many men might possibly have been so misguided as to join the threatened strike. Therefore, there was a period when Belfast might have been without even police protection, and it would have been most rash and improper had not the civil authorities by way of precaution required the presence of the soldiers. Happily the trouble with the police did not prove to be quite so serious as was expected, but nevertheless it was thought necessary as a disciplinary and precautionary measure to remove a very considerable number to other parts of Ireland, and their places were taken by policemen not acquainted with the town. Therefore, there was a great responsibility cast upon the civil authorities, and he had no reason to believe that they did anything beyond what the necessities of the case demanded. It was true that the presence of the military might have had an irritating effect upon the mob. But the absence of the soldiers might have had another kind of effect which might have led to very terrible disaster. They all deplored the loss of life that had occurred. They all felt distressed to think of the young woman who, in the prime of her days, lost her life while searching for her younger brother, a little boy who, as boys would, had gone out and lost himself in the crowd. But let them think for a moment of what might have happened had the mob obtained the mastery even for half an hour. It would have had to be checked and repressed at whatever cost. How terrible might have been the loss of life had any such measure of repression become necessary. He pleaded, with perfect confidence—for the House had shown a disposition to recognise and understand the difficulties of the situation—that those persons responsible in Belfast for the management of these affairs should receive full and generous treatment at their hands. For his own part, he thought that on the whole they deserved nothing but congratulation on the success of their efforts. It had been said that the military were called out at the bidding of the employers in order to take part in the strike that was going on. He did not believe there was a word of truth in the statement. Although he was in no sense responsible for what was done, he had been kept very well informed of the proceedings from first to last, and he had never been able to discover any trace whatever of any yielding to pressure or anything but the most anxious desire to hold a perfectly even hand between all parties, subject always to the fulfilment of the paramount duty to maintain order in the streets. Therefore, so far as he was concerned, he could not give the faintest encouragement to the notion that any inquiry would result in the discovery that anything had been done in obedience to a particular kind of pressure. Property was, of course, not so important as life. The civil authorities must consider humanity and the maintenance of life before that of property. But in a great city like Belfast the loss in the first instance accrued to property, and it was the duty of the civil authorities to protect property, although in so protecting it they would never lose sight of the fact that the protection of life was the first and greater duty. Having requisitioned the military as a precautionary measure, the question whether or not the soldiers should be called upon to repress the mob was a very nice and a very difficult question. He did not think that in this particular case there could be any doubt whatever that the military, who were not upon the spot to begin with, were sent for to subdue a desperate, determined, and almost successful attack upon the police barracks. They acted with perfect self-command, with full deliberation, and upon advice; and he did not think that anything was ever likely to be found out to show that they did anything else than what was necessary. With regard to the kind of weapons to be employed, he could not but feel that there was a great deal in what had been said. In the Featherstone case an inquiry was necessary because there was great doubt in the public mind as to what the relations between the civil and the military authorities were. The report of Lord Bowen in that case placed the matter as clearly as it ever could be stated in the English language. This very question of the sort of shot to be employed and whether in the first instance blank cartridge was to be used was considered. There seemed to be a good deal of force in what had been said, and some good might come out of the consideration of the question, always provided that they in no way interfered with the responsibility of the soldiers to take the measure which they thought was certain to accomplish the immediate result they had in view. He would like to add a word about the police. They had been subjected to a great deal of criticism and had had to be dealt with in a manner necessarily prompt and decided. They had now returned fully to their allegiance, and he would like to say to that great body, if he might, that when these troubles were over they would find the Irish Government perfectly disposed to consider their grievances. Some grievances, he admitted, they had in the matter of pay, and the consideration of these grievances had been somewhat too long postponed. Although, of course, it was absolutely impossible to consider them while a portion of the force was in a state of rebellion or insubordination, now that the whole force had shown a spirit of loyalty and subordination they would find the Irish Government in no way indisposed to consider their grievances in a proper and even in a generous manner.

MR. ARTHUR HENDERSON (Durham, Barnard Castle) asked whether, in view of the amount of public feeling regarding the circumstances that led to the tragic events in Belfast an inquiry would be held.

MR. BIRRELL said that the hon. Member would see that at the present moment it was premature to make any reference to that subject. If the public mind should be uneasy on any point, if the people should feel that there was anything requiring to be looked into—he doubted whether that would be the case —no attempt to interfere with such an inquiry would come from him.

*SIR HENRY CRAIK (Glasgow and Aberdeen Universities) said he did not think the right hon. Gentleman the President of the Board of Education could be surprised if hon. Members on that side of the House raised a discussion on the administration of his Department, which had given rise, not only to anxiety and alarm, but to feelings of condemnation among some of them on those Benches. The right hon. Gentleman would not take it as an offence if he pointed out to him some of the difficulties caused in their minds by his conduct of the Education Department. The whole discussion on the Vote of nearly £14,000,000 was confined to one night, when it was largely interrupted by private business, and when only one Member beyond those on the Front Opposition Bench was able to intervene in the debate to deal with one aspect of the question—he meant the Welsh aspect. That by no means comprised all the difficulties they had felt and still felt. However hon. Gentlemen opposite might wish to look on these matters, there was a strong feeling about them in the country. Hon. Members opposite believed that it was only a small matter; the right hon. Gentleman thought it was a question of method in dealing with the Estimates; in fact, he thought it was a subject of no importance that he had departed from a practice that had prevailed ever since the education grants had appeared on the Estimates, of giving a summary, with something of detail, of the general policy which had guided the Department during the year. He happened to have a considerable recollection of these statements in Parliament. He could recall that he was responsible, in connection with particular parts of the Education Department which were then under his charge, in the drawing up of the statements. He could recall that from the days of Mr. W. E. Forster and Mr. Mundella—two Members of the Liberal Party whose example should be an excellent precedent for hon. Members opposite —on no occasion had they brought forward Estimates without putting the House fully in possession of the policy which had guided their administration during the year. Perhaps some hon. Members thought it perfectly easy to trace the policy of the Education Department through the maze of circulars and orders issued throughout the year. But he could assure them that they were very much mistaken; it was impossible to trace in that way the policy of the Board. The right hon. Gentleman had departed from a precedent which had never been deserted until he had chosen to take this new line on the subject. But there was something more than not having a statement of policy. Very important points had come forward during these discussions connected with the Education Department. He himself remembered that on more than one occasion the Estimates for which he was responsible were refused discussion, and the Motion to report Progress was successful on the ground that their Report was not in the hands of the House. It used to be the continual practice to prepare and distribute the Report before the House proceeded to discuss the Estimates. He knew that that practice was deserted even before the right hon. Gentleman took his present office. It never was deserted so far as he was concerned. He remembered how strict the late Mr. W. H. Smith and the present Leader of the Opposition were upon the point that this Report must be distributed before the discussion of the Estimates took place. The Code, as hon. Members knew, had been repeatedly discussed with a view to its amendment; but that practice also was going. He only mentioned these last two points, not because he wished to put the responsibility on the right hon. Gentleman, but because he wished hon. Members to understand that a thorough discussion of the Education Estimates by the House was impossible if the present practice was continued. The tendency was to make discussion of the Estimates merely formal, and more and more to remove from the House altogether those important statements of policy, as well as the Code and the Report which set forth the action of the Department during the year. If those were gradually withdrawn altogether from the ken of the House, it would increase bureaucratic influence. In his own experience, the only check upon bureaucratic influence was the knowledge, at that time, that any bureaucratic action would sooner or later become matter of debate in the course of the session. He passed from that, which, although it was a matter of far more importance than the ordinary Member of Parliament supposed, was yet only a matter of method, and the right hon. Gentleman might prefer his own method to those sounder ones of his predecessors. But he came to a far greater question which had never had adequate discussion in the House—he referred to the grant of £100,000 for school buildings. That grant he had ventured to point out, when it was before the House in May last, was directly contrary to the Act of Parliament. The Act of 1870 was the first Act which sanctioned the school grant at all; it had previously been only a matter of regulation by Minute. That first Act distinctly refused to the Education Department, any power to make building grants. He had brought this before the Attorney-General, who, he thought, had found it something of a revelation that the Act of 1870 was the first Act which permitted education grants at all. The Attorney-General argued that previous grants had been sanctioned over and over again by different Acts of Parliament, and that a single Act in the year 1870 refusing the building grant was not really a very important episode. The hon. and learned Gentleman, however, admitted that it altered the position when he found that the Act of 1870 was the first and only Act up to that time which ever regulated the building grants at all. This was no mere small legal difficulty that he was pointing out; it was not a technicality which might be overridden by a clause in an omnibus measure like the Appropriation Bill. The objection became much stronger when they considered that this was not a technical point at all, but one which, as he contended, went to the very foundation on which the Act of 1870 rested. Before the Act of 1870 they paid grants only to schools in connection with a religious community. They called upon voluntary effort; they promised to maintain the schools, but it was evident that religious bodies could not establish their schools without a building grant. That state of matters entirely ceased when they established the new system under the Act of 1870, with rate-collecting authorities throughout the land. These authorities were made responsible, and at the same time they gave them power and discretion with regard to the building of schools. They supplemented voluntary effort by giving these authorities unlimited power of the purse. They ceased then to interfere with their responsibility or with their power of establishing schools. They left that to be the part of the local education authority, and they set aside the building grant. And to show how fundamentally this was the policy of the Act of 1870, it entered as a first principle into the Act of 1872 for Scotland, all the other provisions of which were distinctly separate from those of the English Act of 1870, because dealing with a different country and a different set of conditions. The two Acts, however, were identical in this particular as to the building grant. What was the right hon. Gentleman doing? He was abandoning that direct legislation without consulting Parliament, without putting before them for deliberate consideration the reversal of policy which was being introduced. He was doing this by unconstitutional means and by the suppression of Parliamentary discussion. He hoped the right hon. Gentleman would not think he was making any personal attack in using what he believed to be the true words expressive of the situation. The distribution of the grant was to be regulated by the Minute issued within the last day or two. In that Minute the right hon. Gentleman took power to interfere where he thought there had been lack of accommodation. But what sort of accommodation? Action could only be taken upon the requisition of thirty parents, who wanted school accommodation not of any sort recognised under the Code, but only in a provided school. If they desired the Cowper-Temple form of instruction which gave an advantage to those who believed in that particular kind of instruction, then these parents could move the right hon. Gentleman to open the national purse strings and give them a school of their own. Supposing, however, there were thirty Roman Catholics or Church of England parents who were not satisfied with the provided schools. They had used all their efforts in the past and done what they could to provide schools which suited themseves, but if other people were to be helped out of this new purse provided by this Minute, why were Roman Catholics and Members of the Church of England not to have a share of it? Why did the right hon. Gentleman not hold an even balance in the distribution of this money which he had obtained by what amounted to unconstitutional action? The right hon. Gentleman was empowered by this Minute to spend the money as he chose, and he opened his purse strings to one particular form of belief and closed it to those who wished for religious instruction of a different sort. This question he confessed raised not only difficult points of constitutional law and interfered with what was the proper function of Parliament, but it seemed to him in its operation as guided by the new Minute to introduce an unjust and intolerable preference for one class of the community over another. He now came to another part of the administration of the Education Department to which the Opposition and hon. Members below the Gangway entertained the deepest objection. He knew that hon. Members below the Gangway were not anxious for an alliance with the Opposition, but circumstances and unity of sympathy had compelled them to vote with the Opposition upon this question. The Irish Party as well as the Members of the Opposition resisted the arbitrary action of the President of the Board of Education as embodied in the pamphlet which he had issued with regard to training colleges and secondary schools. The question of secondary schools had been passed over almost in silence, and he felt sure the right hon. Gentleman would not say that the subject had received in this House anything like adequate discussion. With regard to training colleges he would like to know if there was to be any sort of similarity of policy binding together the different parts of this "watertight compartment" Government. Did the right hon. Gentleman know that his own colleague in Scotland had largely changed the position of the training colleges of Scotland quite recently, that he had given to those colleges the opportunity of handing themselves over to provincial committees, thus enabling them to be carried on if they chose by what were more or less national agencies? He had left to the former managers the power to intervene in the religious instruction, and power to give religious instruction of any kind they wished. More than that, a Minister belonging to the same Party as the President of the Board of Education, whose name and authority as a sound Liberal no hon. Gentleman would challenge—he referred to Sir George Trevelyan—no later than 1894 sanctioned the establishment of a Roman Catholic Training College for the first time in Scotland. The Secretary for Scotland had in no way lessened or diminished the distinctly denominational character of the Catholic training college established by Sir George Trevelyan. Whilst provision had been made for training colleges in Scotland there had been no restraint put upon their denominational character, and that Catholic training college was being conducted as a strictly denominational institution. They would be very much surprised if the provisions of the right hon. Gentleman's Minute were applied to them, and if they were bound to take in students without any choice in the matter. He felt certain that sooner than stand such a regulation they would renounce all grants and make any sacrifice in their power to resent what they would consider high-handed tyranny. Was high-handed tyranny not the same in Scotland as in England? Was the policy pursued on one side of the Tweed to be diametrically opposite to that followed on the other? If the President of the Board of Education studied the action of his own colleagues in Scotland he would not be able to dispute that the training colleges in Scotland had the power, if they chose, of carrying them on as denominational institutions with an absolute choice of their own students, and without the slightest interference from the Department over which the Secretary for Scotland presided. He felt perfectly certain that the question of establishing a Catholic training college in Scotland in 1894 was a Cabinet question. He would be very much surprised to hear that such important regulations as these had not been laid before the Cabinet and approved. He did not see why two different policies should be pursued in England and Scotland in this matter, because the people in the two countries were the same human beings and held the same attachments to religion and the same idea as to fundamental justice and equity of administration. He would now pass from the subject of training colleges to what had received scarcely a word of attention in the House, namely, the secondary schools as dealt with in the pamphlet which had been distributed. Here again the Government had adopted the same extraordinary chameleonic methods. From beginning to end of the right hon. Gentleman's pamphlet these schools were hemmed in by regulations with regard to religious instruction, the religion of the managers of the schools and the religion of the teachers, and restrictions were laid upon them at every step. The regulations for Scotland had been issued in the same week, and from beginning to end of the Minute issued by the Secretary for Scotland there was no rule of any sort whatever with regard to religion and absolute freedom in this matter was left to the schools. He knew that many of those schools which would receive aid in Scotland from the same purse and the same Treasury which was supplying the right hon. Gentleman, would receive that aid although they were Roman Catholic schools distinctly denominational and confined in their attendance to those who belonged to that creed. There was no comparison between the plan and principles adopted by the two Ministers he had alluded to; they were proceeding upon diametrically opposite lines. He would not attempt to make the President of the Board of Education responsible for all the divergencies between himself and the Secretary for Scotland in this matter. All he would say was that if the right hon. Gentleman's predecessor at the Board of Education had transported over to Ireland regulations with regard to religious instruction of the kind that was embodied in this Minute he would not have received a favourable welcome from hon. Members below the gangway. It would not have paved the way for a Roman Catholic University or the solving of the difficulties of higher education in Ireland if the Chief Secretary, before he crossed the Irish Channel, had fixed his name to a Minute regulating secondary schools which bore the least resemblance to that which had been promulgated by the present President of the Board of Education. But in addition to that was there not something which was absolutely unjust? They were now trying to apply maxims which they had attempted to apply to elementary schools in the Bill of last year. What was the argument in regard to elementary schools? The contention of hon. Gentlemen opposite had been that schools which were entirely maintained by public funds should be devoted to purely undenominational instruction. That was all right for elementary schools, but did the right hon. Gentleman maintain that it applied to secondary schools? Was there a secondary school which did not derive a comparatively small part of its resources from public funds? Was it not the fact that they were in great part supported by funds which had been left by pious founders? In nine cases out of ten there was a distinct obligation to give one form of religious teaching. That being the case, what came of the maxim of hon. Gentlemen opposite about denominational instruction being unjust in publicly maintained schools? How could it be applied to secondary schools when the Exchequer only contributed a small part of their funds? The Government had no right to apply it to them. The laying down of conditions with regard to the religious tenets of managers and teachers was a subject in which no State Department could properly interfere. That lay beyond its powers. He contended that this was the first time in which the Education Department had ever attempted to interfere in this matter. Hitherto it had been decided by Act of Parliament. The Board of Education had assumed for the first time functions from which by the Act of 1870 it was expressly precluded. What he had said proved that he and his friends were not taking undue alarm at the policy which was being pursued by the President of the Board of Education. He had set aside the precedent which had prevailed since the Act of 1870 came into force. This was not a mere technical point of law; it was a fundamental point of policy, and he would be glad if the Attorney-General would give the House his opinion of the course which had been taken. He would ask hon. Members whether it was safe, in looking forward to political changes, to allow the Board of Education to act on the principle, "The spoils to the victors." Was that to be the result in our changing political atmosphere? Hitherto, the broad lines of policy had been laid down by legislative action, and they had not been departed from, no matter what party might be in power. The Government had now established the new principle of giving grants at their own arbitrary will. Hon. Gentlemen opposite had boasted that it was their desire to bring about religious equality and to do away with financial advantages which gave to one form of religion a privileged position. In future hon. Members on the Opposition side of the House would be able to borrow their weapons of attack from the armoury of their opponents. The Government were now giving special privileges and advantages, and it would be from the Party to which he belonged that changes in the direction of religious equality would have to come. He acknowledged the generosity of the President of the Board of Education as an opponent, but he felt bound to offer this criticism of what he believed to be the inconsistent, arbitrary, and unconstitutional policy of the Education Department.

MR. LANE-FOX (Yorkshire, W.R., Barkston Ash) said the policy of the right hon. Gentleman made them doubt whether the impartiality which had hitherto characterised the work of the Education Department was being upheld. He did not wish to make any personal attacks on the President of the Board of Education, but it appeared that the impartiality which ought to characterise the administration of his Department was not being adhered to, and that a new partisan spirit was creeping into the administration. He desired to call attention to the failure of the Department in regard to certain cases in the West Riding of Yorkshire. In the West Riding those who desired to see the denominational schools continued were in a considerable minority on the county councils, and on the education committee they were only allowed a representation of four; therefore they were practically powerless, and they looked to the right hon. Gentleman to protect them against the action which the majority were taking. Certain papers had been laid in Parliament referring to the case of a school at Royston where, in his opinion, the Board of Education had failed. That case arose owing to the refusal of the local education authority to confirm the appointment by the managers of a schoolmaster from a neighbouring school. The managers appealed to the Board of Education. It was admitted on all hands that the schoolmaster was a first-class man who had the very best reports. The whole case against the schoolmaster rested on the report of the sub-committee of the local education authority, which went and visited the school and examined the schoolmaster. His information was that their visit was a very perfunctory one, and there was very considerable doubt whether they were in the school more than a quarter of an hour. No one would dispute that the weight of the evidence of the sub-committee must be very small as against all the reports in favour of the schoolmaster, and yet on the report of the sub-committee alone the education authority refused, as they said, on educational grounds to appoint this man. On that report alone the local education authority refused to appoint Mr. Milnes as head master. Thereupon the Board of Education sent down their own inspector to make inquiry, and on receipt of his report the following letter was forwarded to the local education authority—

> "In reply to Mr. Dixon's letter of 7th January, I am directed to state that the Board of Education understand that the unfavourable opinion formed by the authority as to the educational qualifications of Mr. Milnes for the appointment of head-master to the Royston National School was based upon a report furnished by their inspector of a visit paid by him to Sharlston School in company of two members of the local education authority. It appears to be admitted that this visit did not occupy more than three-quarters of an hour, and that a part only

of this time was occupied in inspecting the working of the school.

"On the other hand, the Board thinks it right to point out that Mr. Milnes' career as master of the school, as shown in the reports of His Majesty's Inspectors, presents an unbroken record of success and good deserts under very adverse circumstances; and that his testimonials, including one from the head-master of a large school in Leeds, speak in the highest terms of his qualifications. Mr. Marvin, His Majesty's inspector, states as follows: 'Mr. Milnes is unquestionably one of the most deserving of the younger men in my own part of the West Riding, one out of quite a small number of men whom we would naturally have thought of for such promotion as this. I enclose copies of his reports, etc., both of my own and other inspectors, which, favourable as they are, do not fully describe his work or merit. He is a very popular teacher, and has a great personal influence over the scholars, caring for them out of school as well as in, starting football clubs, etc., and having in this way not only largely increased the number of scholars on his roll, but attaining generally the most regular attendance in the neighbourhood. Side by side with this he has worked steadily at improving himself, attending all sorts of classes, often at considerable cost and trouble.' In view of the above, the Board cannot but think that your committee have been misled in the opinion they have formed of Mr. Milnes' fitness for the post of head-master of the Royston school, and that on reconsidering the matter they will approve the appointment."

That was a very right and proper letter for the Board of Education to send to the local education authority, who, however, reiterated their opinion in regard to Mr. Milnes, and the Board at once declined to confirm that gentleman's appointment. On 8th March the following letter was written by the Board to the chairman of the managers of the school—

"With reference to previous correspondence, I am directed to state that the Board of Education have very carefully considered the appeal of your managers made against the refusal of the local education authority to consent to the appointment of Mr. O'B. Milnes as head-master of the above-named school (Royston).

"The duty of the Board in such cases is confined to determining in accordance with the provision of Section 7 (1) (*c*) of the Education Act, 1902, whether the consent of the authority is withheld upon educational grounds, and the authority having informed the Board that, after taking such steps as they deemed to be satisfactory and sufficient to ascertain the educational qualification of Mr. Milnes, they have come to the conclusion that he is not up to the standard which they consider desirable for Royston, and for that reason have decided not to confirm his appointment.

"Under these circumstances the refusal of the authority appears to be based upon educational grounds, within the meaning of the above-mentioned section, and the Board so determined. They are not prepared, therefore, to interfere with the discretion of the local Education authority in the matter."

The House would see that the Board had deliberately refused to go into the merits of the case, and rested their action solely upon the fact that the local education authority had reiterated their opinion as to Mr. Milnes' unfitness. He contended that there was no question among those who understood the whole facts and circumstances of the locality that the action of the local education authority was not based solely on educational grounds, but there was a strong suspicion that it was taken on political grounds. A very vital and important principle was involved in this case, and that was his excuse for going into the details of it. The President of the Board of Education, in answer to a question expressed his disinclination to publish all the correspondence, stating that it would not be in the interest of the teacher to do so. That remark had, he maintained, inflicted a grievous wrong on this particular teacher, because, when the evidence was afterwards gone into, it was found that no case had been made against the teacher except the report of the local education authority. Fortunately that teacher was a member of the National Union of Teachers, but whether the union would be able to give him help he could not say. He would only mention in two or three words other cases which had occurred in the West Riding. At Low Valley the Roman Catholics were refused education grants, although they were educating 130 children, on the ground that the school had been condemned by the local education authority. The Roman Catholics had, however, built a new school, and he contended that, as long as a school was obviously doing a work which required to be done, and for want of which there would be a serious lack of educational facilities, such school should receive the Government grant instead of the expenses having to be paid out of private funds. Then there was a case of a small school at East Hardwick, which had a population of only 120. The managers were there informed some years ago by a previous Board of Education that some alterations were necessary in the school. The managers were prepared to carry these out, and plans were drawn embodying the improvements suggested. These plans were sent to the local education authority, which no doubt forwarded them to the Board of Education; but from that day to this they had never seen the plans again, and the only answer they received from the Board of Education was that under no circumstances could the school be given the educational grant. He thought it was only right that if the plans had been considered unsatisfactory the managers should have been told so. He did not think that that was a fair manner of dealing with a small village school, and the Board of Education should have shown more consideration for this tiny hamlet. He also called the attention of the right hon. Gentleman to a case which had arisen at Garforth, a village in his own constituency. The local education authority had recently built a very large council school, and, finding that they were unable to fill it, they required that the four upper standards of the old Church school should proceed after the holidays to the council school. One hundred and twenty out of 124 parents of the children attending the Church school had petitioned in favour of the children being allowed to remain at the Church school. In view of this fact, as well as of the fact that the managers were strongly opposed to the action of the local education authority, which he thought was contrary to the Education Act, he appealed to the President of the Board of Education, whose position should be that of arbitrator between the teachers and the managers, and the managers and the local education authority, to see that justice was done between the parties.

MR. ROBINSON (Brecknock) said he wished to ask the President of the Board of Education a question about higher education in Wales. Some wild statements had been made as to the loss of grants owing to the last orders of the new Welsh Education Department. It was said that £20,000 had been lost to the Principality annually owing to those orders, and he would like to know if that was the fact. He knew the subject had been made the occasion of Question and Answer in the House, but he and all who were interested in Welsh Education would like to have the answer amplified and to know whether the basis on which the grant was given to Wales could be considered a fair one. It should, he thought, be founded upon the number of scholars who wished to learn in these schools rather than upon population. He did not consider the latter was a fair system of apportioning the grants to be given for education.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. McKENNA, Monmouthshire, N.) said that he would like to deal with several of the minor points which had been put to him before he came to the main consideration of the grant of £100,000. As to the question of his hon. friend the Member for Brecknock, he could assure him that the Welsh secondary schools had not suffered financially under the new regulations which had been issued. When the Welsh Department was formed, it became a question, if different regulations were issued in Wales from those issued in England, how much money Wales ought to get out of the total grants to secondary schools and pupil teachers. The allocation of the grants as between England and Wales on the basis of population would not be a satisfactory arrangement. They had to consider not only population, but also the number of scholars to be provided for. He therefore did not take population as a basis, and, in the absence of any other guide, he had for the present year, and perhaps for future years, determined to continue the same proportion as had actually been paid to England and Wales respectively during the last three years. He found, as a fact, that the expenditure in Wales on secondary schools and pupil teachers was one-eleventh of the expenditure in England—the population of Wales was only something like one-fifteenth or one-sixteenth of that of England — and he therefore thought it right to give to Wales one-eleventh of the money given to England. Wales had had her full share of the money, and he trusted future Presidents of the Board of Education would always see that she did. The hon. Member for Barkston Ash had raised the question of the proposed appointment of a teacher for the Royston school and the rejection of that teacher by the local education authority. He could not help thinking that the hon. Member had not been a careful student of the Act of 1902. He had never agreed with that Act, nor liked it, but he had got to interpret it. That Act said that the local education authority might reject the teacher on educational grounds, and did not provide that those grounds should be such as the Board of Education deemed sufficient. In this case the local authority did reject the teacher on educational grounds, and had refused to reconsider their decision, and the Board of Education had no power to interfere. With regard to the Low Valley school, that was struck off the grant list by his predecessor, and provision had to be made for the scholars. The local authority gave notice of their intention to build a school for the Catholic children, and other children, and the statutory three months' notice was given. The Catholic parents or managers of the Low Valley school raised no objection, and accordingly the local authority obtained permission to build a school, not only for other children, but for the Catholic children. If the managers of the Low Valley school had given notice they would have had good cause for complaint, but having allowed the three months to elapse the local education authority had the right to build the school.

MR. LANE-FOX said that what he had asked was why, when the Roman Catholics had a school and were providing accommodation, the Low Valley school could not obtain a grant.

MR. McKENNA said if they were once put upon the grant list again he could not remove them except for some special reason. But the real fact was that there was a deficiency of accommodation. If the local authority which had undertaken to provide the proper accommodation did not do so then would be the opportunity of the Low Valley school to make their case good. But this school had so conducted itself in the past that the hon. Baronet opposite had had to strike it off the grant list. The hon. Member for Glasgow University, an experienced educationst, had charged him with departing from precedent in presenting the Estimates this year without making a long preliminary statement. At the same time the hon. Gentleman complained that there was not sufficient time to discuss the Estimates. He (Mr. McKenna) had to remember that there were many matters in regard to which his action might be complained of; hon. Members had the opportunity of raising those points, and had he begun by making a statement it would have occupied very valuable time, and would not have enlightened them upon any subject upon which they desired information. So far from being unwilling to meet those complaints, or to give hon. Members an opportunity of raising them, the request for a day to discuss the Education Estimates came from himself and not from hon. Members opposite, and knowing the time was limited he had refrained from opening the discussion by an hour and a half's preliminary statement. Everything which he had done was known. The very points which were the grounds of attack on that occasion had been the grounds of attack again to-night. No statement that he made then had been able to satisfy them, and he feared that no statement which he made now would effect that purpose. As to the grant of £100,000, the Leader of the Opposition had spoken of it as violating the law. That he took to be mere misuse of language. It was a matter of regret that the Leader of the Opposition should use an expression which was liable to misconstruction, and which had been misconstrued outside. Did the right hon. Gentleman mean that he had violated the law in such a way as to bring himself into conflict with the Law Courts? Surely not. All that he had asked was that the House of Commons in Committee should pass a Resolution authorising the expenditure of £100,000. No Resolution of the House of Commons could be a violation of the law. It could not be the subject of injunction by a Court of Law, and there was no power to restrain the House from passing any Resolution which it thought fit. Did the right hon. Gentleman contemplate the contingency of the House violating the law of Parliament? If the House of Commons had violated the law of Parliament it would have been a breach of order, and Mr. Speaker had declared that no question of order could arise on this Vote of £100,000. What the right hon. Gentleman did mean was that the preliminary stages of a proposed grant of money would be inconsistent with an existing statutory provision, and that to avoid invalidity or irregularity it would require confirmation by another statutory provision overriding the former. He admitted that inconsistency, and the provision in the present Bill was proposed to remove precisely that irregularity which had been referred to. He explained that any grant of money by the House must pass through three stages. First, there must be a Resolution in Committee, next there must be a Resolution of the House agreeing with the Committee, and lastly there must be an Act confirming the Resolution of the House. The preliminary Committee might be either a Committee of Supply or a special Committee set up for the purpose. If the Resolution was passed in Committee of Supply it was confirmed by the Appropriation Act; if passed by a special Committee it was passed by a special money Act or money clause in an ordinary Act. Either procedure was equally orderly and regular. The complaint made in the present case was that procedure by special Act was not adopted.

SIR HENRY CRAIK said his contention was that the right hon. Gentleman should have brought in a Bill to repeal Section 97 of the Act of 1870.

MR. McKENNA said there was nothing unconstitutional in not specifically repealing that clause. The statutes bristled with contradictory clauses, and the Law Courts always held that the latest statute prevailed. But even if he had proceeded by special Bill the preliminary procedure would have been exactly the same and therefore in the view of the hon. Gentleman equally illegal. It would have been necessary, before that Bill was introduced, to have had a Resolution Committee followed by a Resolution the House agreeing with it. The ho Gentleman was not content with either these Resolutions, but he thought th two stages were necessary before a B could be introduced.

SIR HENRY CRAIK said he woul have liked Parliament to have had a opportunity of discussing and conside ing expressly the repeal of Section 9 of the Act of 1870.

MR. McKENNA said that there the hon Gentleman was on much better ground He had thrown over the Leader of th Opposition. Note would be taken of this because the matter has been a subject o very vigorous attack throughout th country.

SIR HENRY CRAIK said he had no changed a single word of the speech h made; he was using the same words as h used before.

MR. McKENNA congratulated th hon. Gentleman on occupying much safe ground than his Leader. He had taken down what was actually said by th Leader of the Opposition. He used th words that he (Mr. McKenna) wa "violating the law" by passing this Bill The noble Lord on the Front Bench cheered.

LORD BALCARRES (Lancashire, Chorley) asked whether it was the fact that after the Appropriation Bill was passed Section 97 of the Act of 1870 would still remain in operation.

MR. McKENNA said that certainly Clause 97 would still remain on the Statute Book unrepealed, but there would be a later statute authorising the expenditure of a particular sum for a particular purpose and over a particular period, and the later Act authorising the expenditure of that money would override the Act of 1870. The procedure by a Money Bill dealing with this case would have required first a Resolution in Committee, a Resolution of the House, and a Bill maturing into an Act. The first two stages of the Special Bill, which according to the hon. Gentleman would have been perfectly constitutional and proper, would have been actually open to the charge of involving a breach of the law. Where the intention was to make a permanent change in the law, procedure by special Act was to be preferred; but here the object was to meet a temporary difficulty arising out of an unsatisfactory Act which the Commons had tried to amend and would have amended but for the action of the House of Lords, and which they proposed to amend as soon as possible. To meet such a case the procedure adopted was perfectly appropriate. The hon. Gentleman had laid stress upon the fact that by adopting this procedure he had evaded criticism. The matter was explained and fully discussed in March on the Appropriation Bill at the end of the last financial year. It was explained and fully discussed on the Estimates. In order to avoid any question of the House being taken by surprise on the point he had the Estimate containing this particular item reprinted and specially circulated. It was now being discussed for the third time, and if there ever was a subject which had been fully brought to the notice of the House and the country it was this expenditure of £100,000 under the present proposal. The real persons, if there were any, on whose behalf the Leader of the Opposition was speaking were not Members of that House but Members of another place, who were his clients. The real ground of objection to the proposal was that it lessened or destroyed the power of interference by the House of Lords, and that was precisely what it was intended to do. The policy of the present Government was to maintain and vindicate by every means at their disposal the right of the House of Commons to say how the money which they had voted should be spent. He hoped the hon. Gentleman and the Leader of the Opposition would now be satisfied that the action he had taken was perfectly legal. However much the hon. Gentleman might dislike it, he had shown no ground for supposing that it was unconstitutional, if by unconstitutional he meant anything more than unusual. It was perfectly appropriate to the present circumstances, and it carried out the settled policy of the Government to vindicate the right of the House of Commons to control its finances. The hon. Gentleman had complained of their training college regulations, and had pointed to the admirable example of Scotland, stating that the method he (Mr. McKenna) was adopting was diametrically opposite to the policy of his right hon. friend the Secretary for Scotland. But he was informed what the policy of his right hon. friend with regard to training colleges had been.

SIR HENRY CRAIK: And religious instruction?

MR. McKENNA: The hon. Gentleman did not tell us in what my right hon. friend's policy differed from mine.

SIR HENRY CRAIK: It gave perfect freedom with regard to religious instruction, and the carrying on of denominational schools was permitted, but the right hon. Gentleman denies that in England.

MR. McKENNA: I must have misunderstood the hon. Gentleman. If, as I understand, he says that I have denied to any training college, the right to retain the unfettered power of giving denominational instruction, and only denominational instruction, he is absolutely mistaken.

SIR HENRY CRAIK: I put it most strongly that in Scotland the choice of pupils was left to the Roman Catholic training colleges and others, and that it has been taken away from them in England.

MR. McKENNA: The first point was the right to give denominational instruction. That remained absolutely the same in this country as in Scotland. He could ease the mind of the hon. Gentleman on that. The second complaint was that in England they had limited, and no more, the free right of objection to any applicant for admission to a training college to reasonable grounds of refusal. The Government had said they would not include as reasonable grounds any ground of faith or social *status*. That was what had been called running diametrically opposite to the policy of his right hon. friend. If the hon. Gentleman was still of that opinion that their policy was diametrically opposite, he used language in a different sense from that in which he used it himself.

SIR HENRY CRAIK: Hear, hear!

MR. McKENNA: Then the hon. Gentleman complained that the President of the Board of Education had no right to make directions by regulation as to the form of religious instruction in secondary schools. That, the hon. Gentleman contended, should be done by Bill. The whole of our system of secondary school grants, and, indeed, of training college grants, had been built up without Bill and solely by regulation. His procedure by regulation this year was exactly the same method as had been adopted on every occasion by his predecessors.

SIR HENRY CRAIK: No regulation with regard to secondary schools has ever interfered with their religion before.

MR. McKENNA said that that was not the point. The point was the government of secondary schools and training colleges, and in that no Minister had ever proceeded except by regulation. Conditions had been laid down by successive Ministers for the giving of the grant to secondary schools ,and they had varied from time to time according to the policy of the Government of the day. The policy of the Government of to-day was to ensure equality between sects, and the Government, had, therefore, laid down equality of religions in the eye of the law as one of its conditions of secondary grants. The method he had adopted was the one any other Minister would have adopted, he would almost say must have adopted. The procedure had been uniform and unbroken to act by regulation and not by Bill. The hon. Gentleman had said that he was fostering "one form of religious belief." Outside that House he heard from time to time a great misuse of language, but never in his life had he heard such a perversion of the plainest English as that which he had heard from the hon. Gentleman. Was the hon. Gentleman's "one form of religious belief" this religious instruction which did not include any catechism or formulary distinctive of a particular denomination?

Mr. McKenna.

SIR HENRY CRAIK: Hear, hear!

MR. McKENNA said the hon. Gentleman called a form of teaching which did not include any catechism or formulary distinctive of any particular religious denomination, "one form of religious belief," and that he was permitting that "one form of religious belief" at the expense of all the others. Surely these words were intended to be and had been a denial that any favour was given by the State to any particular form of religious belief. These words—the Cowper-Temple Clause—represented not one religious belief, but religious teaching which was not characteristic of one religious belief or of one particular denomination. It was a form of religion which could be accepted by all Christians, and therefore they could not charge the Government with fostering one religious belief at the expense of all others. They had sought to put all religious denominations on an equal footing in the eye of the law, giving preference to no one of them. Only by a violent misuse of language could the charge made against the Board of Education be sustained. He hoped that the hon. Gentleman would hereafter, in bringing charges against the Board—though he had not a word to say against his manner, and he thanked him for his courteous references to himself—would do him the justice to believe that he was actuated by an earnest deire to secure equality for persons of all creeds. He had absolutely no prejudice in his mind against Catholic, Anglican, Jew, or any Nonconformist denomination. The sole desire of the Board was to secure that citizens should have equal treatment, no matter what their faith might be. Those were the principles upon which he desired to act, and so long as he acted on those principles he trusted he would have the support of the House.

*SIR W. ANSON (Oxford University) said the right hon. Gentleman had defended himself against a powerful attack with force, eloquence, and dexterity, but he had failed to carry conviction to the minds of all. The position of the Board of Education was one of exceptional power and freedom.

The Board spent nearly £14,000,000 a year, and as regarded the greater portion of that expenditure the money was spent entirely free from criticism, or at any rate free from any criticism which could be described as effective. Something like £12,000,000 was administered under the Code, and all that was required in respect of that expenditure was that the Code should lie on the Table of the House one month during the session. They all knew what that might amount to. If it lay on the Table of the House during the busy part of the session the only opportunities they got of discussing the question were curtailed by the interposition of Government business. Other educational payments which the Board administered amounted to more than £1,000,000 upon training colleges, secondary schools, and technical instruction, and these could all be administered under regulations which did not need to lie on the Table of the House, but could be moulded and altered and brought into effect as the Board of Education thought fit. What did they expect in return? They were entitled to demand that the money should be spent entirely upon educational purposes, and that neither religion nor politics should be allowed to enter into the distribution of the money. Was that principle being carried out? The right hon. Gentleman had defended himself against a charge of illegality, but the word sometimes meant unconstitutionality, and his action in regard to this £100,000 might come under the description of unconstitutional. But the right hon. Gentleman had told the House that, constitutional or not, this was part of a larger policy. The right hon. Gentleman had said that he did it to vindicate the right of the House of Commons to expend public money; but the House of Lords had never interfered with the expenditure of public money for educational purposes. Therefore, in order to vindicate a right that had never been disputed, the right hon. Gentleman practically repealed the Education Act of 1870 and took £100,000 out of the reach even of the House of Commons in order to expend it upon purposes expressly forbidden by statute. This the right hon. Gentleman had done in order to vindicate a right which the House of Lords had never disputed. He would not labour the question of illegality or unconstitutionality in regard to the method adopted of dealing with this £100,000, beyond stating that, considering the freedom with which the Board of Education were allowed to expend the money entrusted to them for educational purposes, he thought they were entitled to demand that no other considerations but educational purposes should be allowed to enter into the expenditure of the Board of Education. This £100,000 was to be spent in order to enable local authorities to run public elementary schools in opposition or juxtaposition to the voluntary schools. Then he would turn to the case of the training colleges and secondary schools. Nobody doubted the fact that the training colleges had been regulated by regulations, but in the framing of the regulations strict impartiality had always been observed. Wherever a denomination had established a training college the Board had given grants on a certain scale. The same thing had been done in respect of grants to training colleges established by local authorities. Exact equality had been observed in all cases. Now the President of the Board of Education was going to treat these training colleges in such a way that the denominational training of the college, unless it was to lose the grants altogether, ran serious risk. There was practical certainty of their being filled with undenominational students who would not accept the ordinary conditions of residence and follow the religious observances of the colleges. That would be a complete departure from the purposes for which the colleges were established. The Board of Education, instead of having regard only to educational considerations, had now entered the field of religious controversy, and was going to assist one religious denomination against all the others. In the past the Board had always observed strict neutrality as between one religious denomination and another. If the denominational training colleges were unable to accept the terms the right hon. Gentleman imposed, then at once the right hon. Gentleman knocked off the sources of supply of four-fifths of his trained teachers. That was paying a heavy price for the gratification of his animosity against the denominational training colleges. In the same way, the policy of the Board with regard to secondary schools in the past had always been an educational policy, but the new regulations displayed both the political and religious feelings of the Board. The President of the Board of Education spoke of equality, but if he considered that he was maintaining religious equality by saying to the denominational secondary schools, "As you prefer denominational education you must be satisfied with the lower grant," and to the undenominational secondary schools, "We regard you as the champions of religious freedom, and therefore you shall have the higher grant," then the very rudiments of religious equality were alien to the right hon. Gentleman's mind. But the Board not only enjoyed these large powers in the expenditure of public money; they also were entrusted with the interpretation of large portions of the Education Acts, in case of dispute, and from their decision there was no appeal. He complained of the use made of this power. He thought that in the Low Valley case the Board of Education acted unjustly to the Roman Catholics, and that the teacher in the Royston case had suffered hardly at their hands. He was constrained to admit that the Board were bound to accept the decision of the local education authority once it was sufficiently based on educational grounds. But as appeared from the published papers, on the 8th March the Board wrote to the local education authority that—

> "From the information before them the Board felt some doubt as to the correctness of the view taken by the authority as to Mr. Milnes's qualifications. The Board would certainly have felt great reluctance in basing a decision of so grave a character upon a single report made under the circumstances described."

But after this expression of opinion the President of the Board of Education stated in the House that it was undesirable in the interests of the teacher to publish all the correspondence. That, he thought, suggested a very serious reflection on the capacity of the teacher, and considering that the whole of the papers connected with the case did not appear until the end of June, he considered that the teacher had suffered rather hardly at the hands of the Board of Education. In regard to the Merionethshire case, where the teachers in the voluntary schools had been deprived of their salaries till the holidays were over, he thought that the President of the Board of Education and the Attorney-General had put the most technical construction upon the plain meaning of the Act. It was plain that it was the business of the Board to inform all parties concerned that they had a weapon in their hands and would use it if necessary to prevent hardship. He was quite willing to admit that the Board could not pay the money until the managers had incurred the expense, but it was plain that as the local authority had failed to do its duty it was the business of the Board to see that the grievance was redressed, and that no injustice was done.

Mr. McKENNA pointed out that the words of the Act were "may, if it is expedient to do so." The question of expediency had to be considered.

*Sir **WILLIAM ANSON** said he quite realised that the expediency had to be considered, but could there be any doubt as to expediency, when the teachers had earned the money under conditions which made it essential to them that the money should be paid when due, and when the Board of Education knew that the money was withheld for an unworthy purpose?

Mr. McKENNA: Certainly.

*Sir **WILLIAM ANSON** said that the Board of Education seemed very reluctant to use the information at their hands. In view of the undisputed matter of fact placed before the House a few nights ago on the Motion for adjournment, if the Board of Education had any doubt as to the expediency of taking action, all he could say was that it showed that the voluntary schools would not get justice under the Education Acts when the Board of Education had to administer them. He regretted that the President of the Board of Education for, no doubt, good reason to his own mind, had not made a preliminary statement on introducing his Estimates. This statement was an invariable custom on introducing the Vote for Education. It was important that they should have full knowledge of the policy of the Board. The large sum at the disposal of the Board, the wide powers at their disposal, the range of educational interests, and the relations of the Board with local authorities combined to make such a statement necessary. The Opposition were not satisfied that the great sum of money which Parliament had placed at the disposal of the Board was being administered impartially, solely from educational considerations, without considerations of questions political and religious. They were not satisfied that the Board preserved in its interpretation of the statute the judicial attitude which it ought to preserve. They felt that a large range of the work of education ought to be non-contentious, but that the recent action of the Board had brought political and religious contention into almost every branch of our educational system. He felt that the education of the country would suffer, and that the action of the Board would be regretted by all who were interested in education.

*MR. MACKARNESS (Berks, Newbury) called attention to the sentences on the Denshawi prisoners. He said that as long as those sentences remained, a great injustice was being done. For nearly fourteen months these prisoners had been subject to the severest kind of penal servitude in a blazing sun, with their feet in irons. If they committed any offence at all, they had suffered abundantly. The court that passed these sentences abolished the ordinary law, and deprived the prisoners of a number of elaborate safeguards. If these men had been tried by the ordinary law, they could not have been sentenced to more than three years' hard labour. The death sentence could not have been carried out without the approval of the Khedive. The trial would have been before a jury and would have been conducted with decent deliberation, and there would have been an appeal on any point of law. In spite of the action of the British representative during the last few years in stopping public executions and putting an end to flogging, these prisoners were publicly executed and were subjected to 400 lashes. These punishments were admitted, he thought, to have been far in excess of anything the offences could possibly have deserved, and he wished, therefore, to urge on the Government the real urgency of not allowing these unfortunate villagers any longer to continue under the infliction of these very severe punishments. If the two life sentences were estimated at twenty-five years each, no less than 100 years penal servitude had been inflicted on these prisoners. He also wished to urge on the Foreign Secretary that the decree under which the tribunal came into existence which passed these sentences and inflicted these heavy punishments should not be allowed to remain on thet Satute-book of Egypt. It could not possibly conduce to strengthen our position in Egypt or to make our Army popular with the Egyptians that such a tribunal should be brought into existence for the purpose of giving a sort of sacred character to the British troops and treating any offence against them as a kind of high treason. The decree was actually justified by Lord Cromer on the ground that it enabled the Court to pass severer sentences than the law of Egypt would otherwise sanction. He described as indecent the haste with which the trial was carried out, the proceedings having been begun the very day after the offences were committed, and being conducted in their preliminary stages in secret, and without legal assistance for the prisoners. Four days later the trial was begun, and within less than a week all the sentences, including the hanging and the floggings, were carried out. That was more dangerous than a Court Martial, which only came into operation in time of war or insurrection, and the sentences of which were revised by the General, acting upon the legal advice of the Judge-Advocate-General. He appealed to the Foreign Secretary, as a Liberal to a Liberal, not to allow these men one day longer than was necessary to continue to suffer their heavy punishment.

*MR. SMEATON (Stirlingshire) said he desired to ask a question with regard to the Franco-Siamese treaty concluded in March last. The British Government had not, apparently, been consulted by either of the two contracting Governments before the terms had been finally settled. He had been brought into contact with the officials of these two Governments in 1896, in connection with certain frontier matters in the remote Shan States, and had some experience of the difficulty attendant on their settlement—a settlement on which Siam and France took part. He wished to know whether the recent treaty infringed the convention entered into between France and this country in 1896 to maintain the integrity of Siam, and whether there was any chance of the independence of Siam being threatened. Under the provisions of this treaty the Siamese Government had surrended three large provinces in exchange for two very small districts, and the only *quid pro quo* the Siamese obtained was a concession in regard to jurisdiction over Siamese subjects who had been registered at French Consular Courts. He would like to have some assurance from the Foreign Secretary that there was no power given to the French Government which infringed the independence of Siam or the liberties of her subjects. There had been a good deal of diplomatic friction between the two Governments in regard to this registration, and the Siamese Government had ground for remonstrance, seeing that its subjects were able by registering themselves at the French Consular Courts, to escape Siamese jurisdiction and Siamese taxes. If the exchange of territory resulted in a satisfactory settlement of this question, well and good. But there was also a number of long leases granted to the French Government of territories on the right bank of the Mekong for various purposes, of a kind to arouse inquiry, because long leases of that kind really meant, practically, annexation. Would the right hon. Gentleman give an assurance that the negotiations embodied in the Treaty were in no way inimical to Siamese interests or injurious to the prestige and honour as well as material interests of Great Britain.

*Mr. REES (Montgomery Boroughs) said he had heard this debate range from Monmouth to Macedon, at least if it had not got to Macedon, Macedon was the next station. The President of the Board of Education had left; he wished he had been there that he might have asked him how the project was progressing for getting Welsh Education, and if possible all Welsh business into the hands of one Minister responsible to the House. If they had a Welsh Minister it would be progress in the direction of Home Rule of the right kind, to which one speaker had referred. He would not have referred to Egypt had it not been for the manner in which the hon. Gentleman below him had discussed for the third time the question which had been recently before the House, regarding which the Foreign Secretary had given perfectly satisfactory assurances. When he heard the hon. Gentleman dwell again upon the subject, he wondered whether the Egypt under discussion was indeed that land of Egypt, which under English administration had ceased to deserve its traditional title of "The House of Bondage." He could not understand why it should be thought that our fellow-countrymen in Egypt were less humane than we were here. It might be, however, that while they were as humane they were not so humanitarian. His hon. friend in this matter spoke from the text "righteousness that exalteth a nation," which was a very good text; but it was righteousness and not self-righteousness which exalted the nations. He protested against the implication that our officers who governed Egypt were in any degree less humane, less just, or less sympathetic than we were. The fact was that the hon. Gentleman would appear to say that every man who went from here to foreign countries to administer their affairs, suffered a terrible change of character, and they said: "Oh, he has got into a tainted atmosphere." But there were two explanations of this change, and the other was less flattering to those who took this line, and that was, that when one was brought into actual contact with the problem of governing other races, one learned something about them which might serve to disturb the complacent survey which was so usual with those who had not themselves participated in the government of foreign races, and were not aware of the difficulty and complexity of the problems which arose. It was the spirit which had informed the remarks of the hon. Gentleman, of whom he wished to speak with respect, that had led him into this digression. For his part he wanted to refer to a subject as to which he did not ask the Foreign Secretary to give him any information. The right hon. Gentleman had said that he did not wish to give it, but perhaps the House would forgive him for referring to Persia, a country in which he had a great interest, and with which his official duties connected him in some sense for a great many years. Perhaps he would be allowed to urge upon the right hon. Gentleman, without asking him to explain matters or give any information, that any arrangement made with Russia should be as complete and as general as possible for the benefit of the people of this country and for the benefit of the people of Russia. Both would equally profit by a pacific and harmonious understanding. That agreement would admittedly affect Persia, which in fact formed a portion of our Indian frontier, and he asked the right hon. Gentleman, in drawing the line delimiting the spheres of influence—he did not ask him the character of that line or the nature of the spheres of influence—not only to hold on to the Gulf, which indeed necessarily must be in the British sphere, but also on no account to let go the approach to the Gulf which passed through the wild and mountainous Bakhtiari country to the Karum. This formed the chief outlet for British commerce down towards the Gulf, and it was no less necessary to keep also that access which led, in ancient times, from Media to Assyria and in modern times from Baghdad and Mesopotamia to Kermanshah and Teheran. He begged the right hon. Gentleman, as one interested in the country, and he was sure that there were other members equally interested, to secure that both these routes, as far as possible, should remain what they were now, feeders of British commerce. He did not suppose that even if the spheres of influence did not run as he desired, that they would exactly cease to be feeders of British commerce. But if trade fell into another sphere, the first call for a concession for a railway or for commercial concessions would naturally fall to that country which had the route concerned within its sphere of influence. To refer to another subject, the hon. Member for Peterborough, the other night, had expressed the strongest anti-Turkish feeling, which was so common and so frequently expressed in that House. He wished that this subject was more calmly and more temperately considered. In point of fact it was of the greatest importance to us. We actually had more Mahomedan subjects than the Sultan of Turkey who was regarded by Mahomedans with the greatest respect and veneration, and almost worship. It was most desirable that the Sultan should be spoken of with respect in discussing these matters, and the dislike which some had to him ought at least to be dissembled. He did not share that dislike himself. He was acquainted with the Mahomedans and their languages, and he believed them to be on the whole a most excellent race. He regretted it when he heard hon. Gentlemen speak as though it should be taken for granted that, in the affairs of Eastern Europe especially, the Turks were always wrong and other people always right. The real fact was that it was because of the quarrels between the Greeks and Bulgars that the Turks were compelled to keep a large army in the so-called Macedonia to prevent the different sects of Christians from cutting each other's throats; and if the Turks got involved in those disturbances, which was not unnatural, it seemed to him most unjust to take for granted that the Turks were always in the wrong. They were not nearly so much to blame as the two peoples who were chiefly occupied in disturbing the peace of that region. It seemed to him that it was not an improper thing that one who had spent a great deal of his life amongst Mahomedans should repudiate this idea and the attitude which was invariably taken up in these matters of unreasoning condemnation of a Mahomedan and a Turk because he was a Mahomedan and a Turk. He hoped the Foreign Secretary would not be forced into taking any independent action in this matter but would maintain the position he had taken up following upon the policy of his predecessor in office of acting strictly within the concert of European powers concerned.

*MR. LYNCH (Yorkshire, W.R., Ripon) said he rose for the purpose of giving the Foreign Secretary an opportunity of dealing, if he thought fit, with certain important points in connection with Macedonia which were left untouched in his reply on the Foreign Office Vote the other evening. During that debate they had discussed such questions as the Sugar Convention, the Congo State and the Egyptian administration; and the right hon. Baronet only gave five minutes to Macedonia at the end of his speech. In the course of his own speech he had asked the Foreign Secretary two specific questions. First, whether he would direct that a synoptical table should be prepared for the whole of the year 1906, showing in brief the number of violent deaths and deeds of violence committed each month during the year, and to what causes such outrages were due; and also direct that a similar synoptical table should be prepared for each subsequent year. He might point out that the materials for such a table were contained in the Blue Book, Turkey, No. 1, 1907, for each month except the last, so that it should not be difficult for His Majesty's Consul-General at Salonika to complete a table for the year. Secondly, whether he would direct that the British Financial Delegate in Macedonia should, in future, in presenting his abstract of the Macedonian Budget, include under the "Revenue" column the revenue collected in Macedonia on account of Customs duties and on account of revenues assigned to the service of the Public Debt, and any other revenues properly belonging to Macedonia, whether under the control of the Financial Commission or not, in the same way that he included under the "Expenditure" column expenditure which was not under the control of the Financial Commission. In this way only was it possible to arrive at any true estimate of the financial condition of Macedonia. He would also like to ask him whether the Austrian Government had yet presented their scheme for judicial reforms in Macedonia. The Secretary for Foreign Affairs had already told them that it had been promised this summer. The summer was now almost over. Lastly, he would like to know whether the functions of the Financial Commission, which was the instrument of reform in Macedonia, had been extended for the period of seven years for which the increase in the Customs had been granted. In the course of his reply on the Foreign Office Vote, the right hon. Baronet did not even notice the point which he made at some length—and he could confidently say that it was a point of much importance—that the deficit said to exist in the Macedonian Budget, and to meet which they had agreed to the 3 per cent. increase in the Customs duties, was, in fact, non-existent—an apparent but not a real deficit. He did not propose to go into this question in detail now, or to repeat what he said the other evening; but he might, perhaps, be allowed to say that the deficit of £750,000 a year was arrived at by omitting from the revenue side of the account the proceeds of the Customs duties levied in Macedonia, as well as the proceeds of the revenues collected by the Public Debt, such as the salt and tobacco monopolies, the stamp duties, spirit duties, fisheries and silk duties. These revenues, being collected by the Public Debt—a European Administration—might be regarded as the best revenues in Turkey. Our financial Delegate informed us on page 4 of his Report just published, that for the financial year 1904–5 the Macedonian Customs duties amounted to £245,000, and the other revenues not included in the Budget to £218,000. Further, on the expenditure side of the account, a sum of £322,000 was included on account of kilometric guarantees for railways; and it was obvious that such guarantees for railways should be met by general Turkish revenues, as the principal function of the railway was to transport troops to and from Constantinople and other parts of the Empire. He made the sum the other evening and showed that if the revenues he had mentioned were to figure in the Budget, and the kilometric guarantees were eliminated from it, the Macedonian deficit would, in spite of the enormous military expenditure, amounting to double the civil, show a surplus instead of a deficit. It was perfectly true that the revenues which he had mentioned had already been mortgaged by the Turkish Government; but it was also true that the British Delegate on the Ottoman Public Debt had stated in the Blue Book recently published that there would soon be a surplus of the debt-collected revenues, available for the Government without any mortgage, of from £450,000 to £500,000 a year. Inasmuch as the Macedonian portion of these revenues had been mortgaged for Imperial purposes, it was surely only reasonable that any surplus on the Imperial account should be devoted to Macedonia. He could not for the life of him understand why the British Government did not originally insist that this free surplus should go to Macedonia before any call could be made on the increased Customs duties. As matters now stood, there was a real danger that the only result of our consent to the increase in the Customs duties would be that the Germans would get hold of this £500,000 a year with which to build the Bagdad Railway; and so out of the miseries of Macedonia and the remissness of European diplomatists would grow, as the only tangible result, a great strategic railway across Asia, menacing the interests both of this country and of France, and further robbing the impoverished Turkish taxpayer. The security which we had got against such an outcome of our benevolence towards Turkey in the matter of the Customs duties was the provision inserted by the right hon. Gentleman himself that our consent to the increase was only for a period of seven years and might be withdrawn under certain eventualities at any time during those seven years. That was an admirable provision and it might save the whole situation. But this would depend upon whether the right hon. Gentleman was prepared to insist that the provision should not remain a dead letter. If he did so insist, it would, he hoped, be his own good fortune seven years hence to congratulate him upon the permanent success of his efforts in the Customs duties, because we should then be face to face not only with a reformed Macedonia, but with the application, in the best interests of the people of Turkey, of the considerable sums set free by our consent to the increase. For this reason he earnestly hoped that the hon. Baronet would inform the Turkish Government that after the seven years had elapsed we should certainly expect any balance of the debt-collected revenues, becoming free in the interval, to be devoted to Macedonia in relief of or in substitution for the increased Customs duties. There was one statement of the right hon. Gentleman in connection with Macedonia which he had made more than once, and which, he was sure, did not meet with the approval of the majority of Members of this House, and which had certainly not been well received in the country. It was that when the other Powers showed a disposition to put forward reforms, there would be no more warm supporter than ourselves. When they spoke of the other Powers taking the initiative they were practically leaving the initiative to Austria and Russia. The right hon. Member for the Forest of Dean hit the nail on the head when he said in the debate the other night that in Macedonia we were pursuing an Austrian policy. If that had been true in the past, it certainly ought not to be true in the future. After all, this country was the prime mover in restoring these provinces to the limited sovereignty of the Sultan, at the Congress of Berlin; and quite recently we had consented to this increase in the Customs on account of Macedonia, and our import trade with Turkey, on which these duties were to be levied, was at present double that of any of the other Powers with Turkey. We had, therefore, a special right to take the initiative in securing the objects for which the increase in the Customs was granted. The British Ambassador at Constantinople, indeed, estimated that our import trade was nearly equal to that of all other countries. Of course, the right hon. Gentleman might say that in certain eventualities it might be necessary for the Powers to face intervention in a military sense in Macedonia, and that the task of restoring order might have to be entrusted to Austria and Russia. But such a course would neither be necessary, nor would it be a natural course. For the purposes of the maintenance of order, Macedonia had already been divided up between the Powers into five areas; in each of which a particular Power had officers of its own nationality stationed for the organisation of the gendarmerie. It would be easy to extend this principle in certain eventualities. In taking the initiative for the introduction of reforms into Macedonia, England would be following her traditional policy towards Turkey. That policy, so far as modern times were concerned, might be said to date from the great Embassy of Stratford Canning. It culminated in the scheme of reform for the Asiatic Provinces which was the outcome of the Treaties of Berlin and the Cyprus Convention. Mr. Goschen was sent to Constantinople to administer the scheme, but it was put an end to at the instigation of Prince Bismarck, who was probably acting on behalf of Russia, and perhaps also of Austria. If any hon. Member would turn to Lord Granville's despatch to Mr. Goschen of 10th February 1881, he would see the authority for what he had stated. While it had always been the object of Great Britain to show herself the true friend of the populations of the Turkish Empire, and to do her utmost to strengthen whatever elements of progress they possessed, even a cursory perusal of the history of modern times would show that Russia and Austria, to put it at the lowest, had not been animated by a similar desire, but had preferred to wait with shut eyes and folded arms for the pear to fall into their mouths. The right hon. Gentleman said that all that could be done in regard to Macedonia must be done by diplomatic action in Constantinople. He could therefore see no possible advantage in indulging in vilification of Turkey. If they had got to effect these reforms, it must be obviously unwise to throw reflections on those people with whom they must carry on the reforms. He trusted the right hon. Gentleman would go forward boldly in this matter, combating tendencies, in whatever quarter they might exist, to delay or frustrate reform. In doing so he was sure that he would have the enthusiastic support not only of this House but of the country.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir EDWARD GREY, Northumberland, Berwick) said that really nothing he had said on previous occasions had excluded the prospect of a revision of some of the Denshawi sentences, and to dwell upon the controversial aspect of the question again would have no other effect than apparently to impair the prospect of revision. As to the appointment of the special tribunal, Lord Cromer had pointed out that certain reforms were desirable; but difficulty had been found in introducing them. Until those reforms had been introduced the special tribunal would not be called into existence. As to the question whether the integrity of Siam was in danger, the treaty between Siam and France was as much voluntary on one side as on the other, and Siam was the best judge of how far the treaty was compatible with her own interests. It contained an exchange of territory, but it also contained certain advantages to Siam in regard to jurisdiction. There was nothing in the treaty at all inconsistent with the spirit of the agreement between France and England in regard to Siam. As to Macedonia, he could not contribute to the improvement of the state of affairs in that country by making another long speech. At the present time nothing could be gained by another long statement of policy. The hon. Member for Ripon had asked that in the Blue-book the outrages should be tabulated, so that one period could be compared with another. Of course the Blue-books should be drawn up in such a way as to enable hon. Members to judge of the condition of affairs; and he admitted that they should contain information as to the actual form of the outrages and the causes of their origin. There was no objection to giving information with regard to the actual sources of revenue. He knew that reforms were under the constant consideration of the Austrian and Russian Governments with the view of producing a scheme. The hon. Member for Ripon had said that the deficit in the Macedonian Budget was an apparent and not a real deficit. It was real in this sense, that there was no money. What was meant by deficit was that there was a deficiency in money available for purposes of administration in Macedonia. The deficit was so real that there was a danger of reform breaking down altogether, and unless the increase in the Customs Duties had come to the rescue, there would have been very great difficulty in carrying on the reforms even to the point at which they had now reached. With regard to the general question, he had never said or intended to imply that we in any way abnegated our right to initiate proposals with regard to Macedonian reform. Lord Lansdowne had said that he was quite willing that reforms should be put forward by other Powers which were likely to secure unanimous acceptance. We were prepared, if we saw our way, to initiate reforms, but if other Powers were ready to put forward reforms which were likely to be accepted, then we should be prepared to support them. Acting in the concert, we should use our influence, and we had been as active as possible in using our influence, to promote the cause of Macedonian reform. On the question of Persia, the Government recognised that the trade interest was one of the elements of importance, and if an agreement with the Russian Government was concluded, it would be laid before the House. In that event he hoped such an agreement would be looked upon as a whole, and from the point of view of the very large interests involved in that part of Asia. But while the negotiations were in progress he could not make statements about them in public.

SIR H. CAMPBELL-BANNERMAN ventured to make an appeal to the House to allow the discussion to be brought to a close because, as the House knew, there was another discussion which had to take place that night. They had had a long discussion ranging, as had been said, from Monmouthshire to Macedonia, and he thought the House would be well advised to allow this discussion now to close.

*MR. BRACE (Glamorganshire, S.) said that naturally he was in distinct sympathy with the appeal of the Prime Minister, as he was in the House till six o'clock that morning and had been busily engaged all day. He hoped the House therefore would realise that he was earnest in pressing the question to which he wished to call the attention of the Colonial Secretary, namely, the serious position of 1,000 white men in South Africa who were starving there. They wanted the Government to repatriate these miners whom the Chamber of Mines were starving out. If the Government could not more quickly repatriate the Chinese they should bring home these white men. This appeal had been previously addressed to the Colonial Secretary. The men asked for the immediate repatriation not of the Chinese but of themselves, and when it was realised that the mineowners had set themselves to work to drive out all the white labour in South Africa it would be seen that this was a matter which commanded the serious attention of the Government and the House. There could be no doubt about the intention of the mineowners, and they were pursuing their policy with great determination. Up to the election they were quite careful to conceal their hands, but immediately the result of the election was known they had no hesitation in coming before the Commission and stating that it was their intention to clear out white labour from the mines of South Africa as far as was practicable. In consequence of this policy a thousand men could not get employment or money and they were starving. He therefore thought the Government should bring them back. The Government of the Commonwealth of Australia had just repatriated 1,400 Australians from South Africa, having chartered steamers to bring them home at a cost of £6 a head, the men undertaking to repay this money when able to do so. It was an apalling condition of things that there were white men in South Africa who could not get work because they were not allowed to do it by the mineowners. The miners of this country had cabled £1,000 to them and he therefore had no hesitation in asking the Government to give this case their immediate and generous consideration.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.) said the hon. Member who had just spoken had certainly a right to raise this question, and the House would appreciate his response to the appeal of the Prime Minister in the compression which he had exercised in his remarks. He would follow the hon. Member's example in that respect. He must point out that the conditions of the labour dispute on the Rand were more complicated than the conditions of any other labour dispute that had ever to his knowledge been raised. There was the question of the position of the different races, and the position of a new Government, which had only shortly before been called upon to assume the control of affairs in the country. Then, they had to consider the relation which that Government held to the Government of this country; and, above all, there was the complication of the Chinese labour problem, which was intimately interwoven with all these questions. The hon. Gentleman said, in effect, that Chinese labour had been disadvantageous to white labour in South Africa, and he was bound to say that his experience day after day was that the employment of the Chinese tended to reduce the labour of men of our own nationality. The strike which had taken place was now ended, but he was well aware that a portion of those who went out on strike had not been taken back. That was due to the fact that many Dutchmen who were anxious to get work in the mines had succeeded in getting it. The Australian Government had removed from South Africa a certain number of those subjects of their country who had found themselves stranded, and they were in correspondence with the High Commissioner as to the practical effect of any intervention on their part. There were no precedents for the Government of this country intervening to bring home individuals from our Colonies who had suffered from local dislocation of industry, and he could not permit himself to make any promise on the subject. But although these men were drawn into South Africa by the prospect of huge wages, he would be far from saying that their condition was one which was of no concern to us. He thought the point was emphasised by the action of the Australian Government, and very careful inquiry would be made, and if they found it necessary they would have to make an appeal to the House for sympathy in this matter.

*MR. W. E. HARVEY (Derbyshire, S.E.) said he desired to call attention to the treatment of jurymen at assizes in his county. The fact was that those who were liable to serve were irregularly summoned, so that a man with business concerns to attend to was frequently called upon to be a jurymen out of his regular turn. There seemed to be no regular rotation of calls, no regular system of summoning the juries. And then with regard to the refreshments allowed when the jurymen were locked up to consider their verdict, the arrangements were a scandal to the nation. A jurymen might be a man of business, and he attended the court to serve the nation at the sacrifice of his own time and pocket, and what was the refreshment provied? Bread and cheese and beer for lunch if they should happen to be locked up considering their verdict. It might be that some of the jury were under the doctor's orders, and that such a diet, with cheese included, was not suitable, and the result was that they had to go all day perhaps without food. Yet these men were doing the work of the nation without reward and without pay; indeed, they had to pay their own expenses, which was in his opnion a disgrace to the country. What he asked was that the officer in charge of the jury list, the officer who served the summonses, should, as he was in duty bound, secure equality of service by careful rotation in securing the attendance of jurymen.

*MR. SPEAKER said that he doubted whether the matter which the hon. Member was raising was not one which required to be dealt with by legislation. If he looked at the Juries Act of 1870, he would find that by Clause 23 the jury were to procure their own refreshments at their own expense. If the hon. Member was anxious that the expense should be put on somebody else, that would probably have to be done by legislation, and the matter was not relevant to a discussion on the Appropriation Bill.

*MR. W. E. HARVEY said the expenses for refreshments were put under that heading in the Appropriation Bill, and the amount was £22,000. He had seen one of the law authorities of the Crown, who had assured him that he was fully justified in bringing the matter forward on that occasion.

*Mr. SPEAKER said there seemed to be some doubt in the matter, and he would not stop the hon. Member; he dared say that the hon. Gentleman could make a good case.

*Mr. W. E. HARVEY submitted that the law officers of the Crown should make some inquiry into the manner in which jurymen were treated in regard to the rooms which were set apart for their accommodation. At assizes jurymen were frequently packed into rooms ill-ventilated and cramped for space. Indeed there was not sufficient space in which to conduct their business properly; the conditions were unhealthy, and there was not as much space as was allowed to a school child. He repeated that it was a scandal to the country that jurymen, who ought to be paid for their services, should be treated in this way. They ought to be not only paid for their services but paid their expenses for travelling and other expenses occasioned to them by the fact of their being summoned to serve. If the work of the jurymen was not valuable to the country he did not know what was. In regard to the county which he represented he had before him the whole of the names of the jury in a case—the foreman and the others. The foreman on their behalf complained to Lord Coleridge of the way in which they had been treated, having been locked up without proper refreshment. Lord Coleridge sympathised with them, and expressed the hope that something would be done. He appealed to the law officers of the Crown to take this matter into consideration in order that some reform might be brought about.

Question put, and agreed to.

Bill read a second time, and committed to a Committee of the Whole House for To-morrow.

PUBLIC HEALTH (REGULATIONS AS TO FOOD) BILL.

Considered in Committee.

(In the Committee.)

Clause 1:—

Mr. GRETTON moved an Amendment which would have the effect of restricting the operation of the Bill to imported foods. He said that he moved this Amendment on behalf of his hon. and learned friend the Member for Kingston. Not only did the Bill empower the officers of the Local Government Board to supervise the importation of food, but also the preparation, the storage, and the distribution of food. That power would override the very ample and complete powers already conferred by the Public Health Act, 1875, and also the further powers given in the Act of 1896. The effect of the proposals would be to put a great expense on the Exchequer, and at the same time to override the administration of the great local bodies which had been set up. He was not aware that any serious complaint had been made against the administration of the public bodies in respect of the Food and Drugs Acts, the operation of which had been attended with good results. The effect of leaving out the words which he now moved to omit would be to give the Local Government Board full power, which the Committee would agree the Department ought to have, over the importation of all food supplies from abroad. No doubt there was a great scandal in connection with some of the foodstuffs imported from other countries, and they were all agreed that further powers should be given to the Government to protect the people of the United Kingdom against the distribution of unwholesome food which was sent here in considerable quantities. A further Amendment which he proposed to insert at a later stage was to put in the Bill after the word "consumption" the following words, "or from the storage or distribution of any such articles after importation." The combined effect of these Amendments would be that the Local Government Board would be able to exercise full powers, which no local authority could so effectively exercise, over the importation and distribution and storage of foreign food stuffs, but the powers of the local authorities would be left untouched. As a consequence, there would be no danger of incurring the expense of a new army of inspecting officers which, as the Bill stood, might be entailed to the country.

Amendment proposed—

"In page 1, line 9, to leave out the words 'preparation, storage, and distribution.'"—(*Mr. Gretton.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

LORD BALCARRES said he wished to take that opportunity of asking the President of the Local Government Board on this rather comprehensive measure to make a statement as to his general policy in regard to the Bill. He was taking, in the first clause, very extensive powers, but if the right hon. Gentleman assured them that these powers, widely drawn as they were, were necessary for the preservation of the public health, then his case was a strong one. But he (Lord Balcarres) intended to submit to the right hon. Gentleman in a few minutes an argument in addition to that advanced by his hon. friend which really made him rather alarmed as to the extent to which the right hon. Gentleman was carrying his Bill. The Bill was to enable regulations to be made for the prevention of danger arising to the public health from the importation, preparation, storage, and distribution of articles of food, other than drugs or water. He did not know why the right hon. Gentleman excluded drugs and water, both of which might be extremely deleterious to health. The right hon. Gentleman first took power to deal with the importation, preparation, storage, and distribution of articles of food. That might be a very desirable thing, but in the hands of a Minister who took extreme views it might be a very dangerous power to be vested in any Government Department. With regard to the preparation of food, it seemed possible, on the face of the Bill, that the right hon. Gentleman would be able to go into any kitchen in the country and inspect the way in which food was being cooked. Did the right hon. Gentleman mean to do that? The right hon. Gentleman could also deal with the storage of food. He could go into any larder, or cellar, or shop, and he could make rules in regard to the storage of food in such places. Then there was the power which the right hon. Gentleman took with regard to the distribution of articles of food, under which he coul make rules as regarded the packing u of a box of chocolates which he (Lor Balcarres) sent from there to his ow door. He had a very great respec for the Local Government Board, an he did not believe that the righ hon. Gentleman meant in any way to us the powers which would be conferred o him by this measure in an unreasonabl way, but, at the same time, he though that those powers were very extensive Assuming that it was really necessary t take such wide powers, the right hon Gentleman said that they were guarde by the words, "the prevention of danger arising to public health."

Of course that would be the explanation that any officer acting under the Statute would give when saying that he wished to see how a person was doing his cooking, or the way he was keeping his food, or how he was sending articles of foo through the post, or, again, how he was keeping his beer or wine in his cellar. He supported in a formal manner this particular Amendment in order to ascertain whether the Committee might have an assurance from the right hon. Gentleman that he really did not mean to enforce all the powers he was asking Parliament to give him. Personally, he did not like powers which were not limited in the Statute, but were only limited by the good word or good faith of the particular Minister concerned. After all, Ministers changed, and the next Minister in charge of the Local Government Board might take a different view from the Minister who preceded him. He submitted to the right hon. Gentleman that the powers taken in the Bill were really gigantic, and that he owed to the Committee, and also to the country at large, some assurance that, at all events so far as he was concerned, he would adhere strictly to the object described in his speech the other night, and would not carry out what would be a serious infringement of private rights where no danger to public health was involved.

*MR. IDRIS (Flint Boroughs) said he was fully convinced of the necessity of conferring on the Local Government Board very wide powers in regard to this matter. He had been about forty years actively engaged in the manufacture of articles of food and drink. During that period he had often wondered how anybody who knew anything at all of the facts of the case could be satisfied with the inspection of factories and of places where the preparation of food now went on. The sanitary inspection at present carried out was mainly directed to the protection of the people engaged in the work of the manufactories and not to the protection of the health of the people who were to consume the articles produced. He had had to go through many manufactories, and having regard to the condition of these places he was quite sure that no hon. Member would ever think of consuming the articles which were made in such surroundings—surroundings which in some cases were as bad as could possibly be imagined. For example, he had seen the manufacture of things intended for human consumption carried on in places where there was a stable in one corner and a dust-bin with crawling worms in the middle. It required some knowledge of the effects of these evil surroundings on articles of food to realise the gravity of permitting such conditions to prevail. The moulds were simply harbourers of germs, and even the sterilisation required by cleanliness was not carried out. The filling machines were covered with a mass of dirt and a gelatinous deposit which made them breeding grounds for micro-organisms of the worst description. For these and other reasons he hoped that the powers taken under the Bill would be as wide as possible. Until the proposed regulations were made and put into efficient working order it was impossible that many of the objectionable things which now went on in connection with the preparation of food should be put an end to. The careful manufacturer had no fear of these regulations, but, on the other hand, he would welcome them as an assistance to him in carrying out the methods he had at heart, and because they would make other men who were carrying on a similar business conform to the same methods as himself. The careful manufacturer would also welcome the rules and regulations because he was anxious to impress on those whom he employed the necessity of these precautions. The need for such precautions was constantly present to the minds of those engaged in the preparation of food stuffs, and he hoped that this very desirable Bill would pass with the fullest powers possible embodied in it. He also hoped that hon. Members would take care to criticise the regulations when they were laid on the Table, and he did not think any Member would find after going into the matter that the restrictions could possibly be made too wide.

MR. BOWLES (Lambeth, Norwood) said he did not desire in any way to delay the progress of the Bill, because, having listened the other night to the President of the Board of Trade's description of the premises in which the preparation of food stuffs was very often carried on and at which the regulations were aimed, he was bound to say he did not think anybody could doubt that such steps as were really necessary to prevent a continuance of the present state of things should be taken. But he did not really understand the form of the Bill. If hon. Members would look at the Bill they would see that it ran in this way: "The power of making regulations under the Public Health Act, 1896, and the enactments mentioned in that Act" should include certain other powers relating to measures to be taken for safeguarding the public health. He had taken the trouble to go back through those Acts, and he found that the Public Health Act, 1896, referred one back to the Public Health Act, 1875. The section in the Act of 1875 which, unless he had entirely misread this Bill, would give to the right hon. Gentleman his powers, was Section 134 of that Act, which applied merely to extraordinary and exceptional cases. Under that Act the powers of the Local Government Board were given to them, not at any time according to the discretion of the right hon. Gentleman, but whenever any part of England appeared to be threatened with or was affected by a formidable epidemic or endemic or infectious disease. It seemed to him that what the right hon. Gentleman wanted, and appeared to think he was getting in this Bill, was a free hand to do what he pleased. The hon. Member who had just spoken desired that the right hon. Gentleman should have this free hand, but he (Mr. Bowles) saw that there were dangers, not perhaps in giving these powers to the right hon. Gentleman individually, but in giving an absolutely free hand in matters of this kind to any Government Department. What he ventured to suggest to the right hon. Gentleman was that owing to the way the Bill had been drawn there was a limit placed on his powers, which were only to be exercised where he could show that the whole or some part of the country was either in the grip of or imminently threatened by a formidable epidemic. If that was so it meant a considerable limitation of the powers which the right hon. Gentleman thought he was going to take. He did not see where was the need of any reference to the Public Health Act, 1896.

*THE CHAIRMAN said the hon. Member was speaking about the whole drafting of the Bill, and that was not in order. The question was whether the Committee should leave out the words mentioned in the Amendment.

MR. BOWLES said he thought it was intended that on this Amendment the right hon. Gentleman should make a general statement, and it had occurred to him that if that statement were made at this stage it might save time later on.

*THE CHAIRMAN said that as he understood it the general statement referred to by the noble Lord was as to how the right hon. Gentleman meant to carry out the Act in regard to the importation, preparation, storage, and distribution of food, which would distinctly be in order on that Amendment.

MR. BOWLES said in that case he would not proceed further.

MR. CLAUDE HAY (Shoreditch, Hoxton) said he did not rise to address the Committee out of a feeling of opposition to the Bill, but because in connection with this Amendment he wished to ask the right hon. Gentleman a few questions. He had a feeling, based on some experience, that if this Bill became law it would not in the hands of the right hon. Gentleman run any risk of becoming a dead letter. Nevertheless, what he was anxious to ascertain was what organisation he proposed to create in order to carry the Act into effect so that all sorts of articles of food and drink would be brought under its purview. In connection with the matter of administration he asked what the new staff would number, and whether it would be able to put the Act in force the moment it became law. He might be very ignorant, but there were two words in the clause which he thought required some explanation. From what he had been able to gather when the Bill was last before the House there was no statement made by the Minister in charge to show whether soda water was included in the Bill. They all knew that was an article of human consumption. These gaseous waters had a very great vogue, and were very often distributed under very bad conditions. Some of them also had alcoholic contents which they ought not to have. Personally, he believed there was no more unwholesome thing than soda water, and he wanted it clearly established whether the right hon. Gentleman, if that Bill became law, would have the control of these waters and would in some way be responsible for inducing the public to consume less of them, thereby doing a great act towards the improvement of the general health of the community.

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. JOHN BURNS, Battersea) said the noble Lord (Lord Balcarres) had appealed to him to make a general statement as to what was to be the policy and the conditions of administering the Bill. Perhaps that would be convenient and he trusted it might shorten discussion if he said a word or two. First, let him say with regard to these regulations that the Government proposed they should be laid before Parliament, that they should be issued to the public under the notice of proposals to make rules which was embodied under the Rules Publication Act of 1893, and that they should be published in the *London Gazette* at least forty days before they came into force. Any public body would be able to obtain a copy of these rules when they were made, and the authority making the rule must under the Act consider any representations or suggestions sent to them before they issued the rules. The effect of that would be that any hardship apprehended would, he was sure, be dealt with by the Local Government Board in precisely the same way as they had always dealt with matters of this kind when representations were made to them with respect to regulations by persons or interests supposed to be affected. He passed from what the Board intended to do in regard to the regulations to the necessity for the regulations. The noble Lord asked him what would be done in regard to mineral waters, and the question had been repeated by the hon. Member for Hoxton. After the statement which had been made by the representative, as he thought he might be called, of the Mineral Water Trade Association in support of the Bill, it was obvious that in the judgment of these people the regulations could be successfully entrusted to the Local Government Board. The hon. Member for Hoxton, who pursued the same argument, had very good reason for so doing, because in the East End of London, according to a report which he had in his hand, the conditions under which mineral waters of a certain class were made were such, he could assure the House without troubling them with details of the noisome and filthy surroundings, that if they listened only for a sentence or two, they would fully agree with him that soda water and mineral waters should be included in the Bill—

> "During my recent inspection I only found one distinctly dirty collection of bottles. They belonged to a foreign immigrant in Stepney who carried on the business of bottling in quite a small yard about 11 feet by 12 feet, in which was situated a water closet; the yard was not tidily kept, and the water used was exposed to contamination by sooty particles and dust. Several of the bottles, filled three days previously, were tinted, and two of them contained many fine filaments, specks, and masses which looked like colonies of mould."

He could assure the House that when some Stepney customers complained of water being dirty it must be very dirty indeed.

Lord BALCARRES: Why does not that come under the Factory Act?

*Mr. JOHN BURNS said that in such cases a person rented two rooms and hired next door, say, a back yard for a store. There was no machinery or workshop, and factory and workshop regulations did not apply. The local sanitary inspector made conditions with regard to the sanitary arrangements for the use of the inmates, but neither the factory nor the workshop inspector nor the sanitary inspector had got any further power. What the Local Government Board wanted to do was to supplement the powers of the local medical officer of health so that he might see that the yard was paved, that the water was clean, that the conditions under which the industry was carried on were not fraught with danger, both to the people engaged in the industry and then to the consumers of the products. The noble Lord went on to ask whether under the Bill it would not be possible for the medical officer or the inspector to go into any kitchen. Might he ask for one moment the attention of the House as to the need for someone going into kitchens of that kind? The passage referred to one of the best local authorities in the country. Ought not someone to go into this kitchen?

> "The most serious defect in this system is that mud and filth is allowed to fall into the kitchens, but this has been obviated in many cases by the provision of movable trays placed immediately beneath the openings."

So long as the water-closet from a mechanical point of view satisfied the sanitary inspector under the Public Health Act, he could do nothing in regard to preventing the storage, preparation, and distribution of food. He took another case—

> "Again, in a large number of cases the water-closet accommodation was in a very defective condition; in thirty-five cases the water-closet either opened or communicated directly with the kitchen, and in nine others they were actually within the kitchen itself, without either light or ventilation."

And, again, with respect to other rooms—

> "For instance, butter is made in rooms used as sleeping rooms, cheese is prepared in ill-ventilated cellars, or in close proximity to a water-closet, and while it is recognised that the milk churn which contains milk must be kept scrupulously clean, no importance is attached to the appearance of the churn in which cream for butter-making and sour milk are placed."

Some of the choicest morsels and the most expensive classes of food and drink for the West End were prepared under conditions absolutely intolerable and abominable. He was asked by the hon. Member for Hoxton what organisation was going to be resorted to for the carrying out of those regulations. They did not intend to create any new organisation, but to act through medical officers of heath, who would be desired to enforce the regulations of the new Act.

Mr. CLAUDE HAY asked if the staff at the disposal of the authorities would be adequate in numbers and otherwise to carry out that highly important matter, which was essential in the health of the country.

*Mr. JOHN BURNS said he thought the present staff would be able to do the new work concurrently with their present sanitary work. Under the Bill they would in effect be able to kill two birds with one stone. The hon. Member for Norwood had asked whether the section of the Act, which he quite innocently misquoted, applied. It did not; he quoted the wrong section. The noble Lord could rest assured that the Local Government Board under these regulations were not going to irritate people who carried on their business decently and in order. The Board did not intend to use the regulations as a means of harassing any trader or manufacturer legitimately carrying out his business in an elementarily decent way. But he thought that in view of the enormous amount of foodstuffs of all kinds concerned, liquid, tinned, canned, and raw, or partly cooked or preserved, and after the scandals that had been revealed during the last twelve months, the Local Government Board would not be doing its duty to the country unless it sought to afford the protection of the Bill. He appealed to the House, and he gave them the assurance that the Board would only maintain the interests of public sanitation and public health, and would not interfere with any undertaking carrying on the preparation, storage, or distribution of food in a proper way. He appealed to the Member for Rutland, who asked if the Government could accept the Amendment which he moved, and upon which he (Mr. Burns) had been invited to make that general statement. Might he say that it was impossible for them to accept the Amendment? If they accepted the Amendment the effect of it would be to leave out one of the important points of the Bill. They could not confine the Bill to imported food. The hon. Member for Hoxton would be one of the first to admit that if he had to choose between food from abroad properly tinned and prepared or some of the tinned foods prepared in some of the East End places to which he had referred, he would wish to have the imported food, rather than imported food mixed with home food in the places he had described. If their powers over food at home were limited and they were confined merely to imported food, they would destroy the whole effectiveness of the Bill.

Mr. FORSTER (Kent, Sevenoaks) said the speech which the President of the Board of Trade had just delivered made it perfectly clear that this was a Bill of great importance. In his interesting speech the right hon. Gentleman had dealt with an aspect of the question which they all admitted to be vital to the health and well-being of the people, but he had not touched on the objections of the noble Lord who sat beside him. The President of the Local Government Board had dealt at length, with great emphasis and with great justification, with the necessity for exercising supervision over the preparation and storing of food under certain circumstances, but he had not addressed a single word to the objections which had been raised by his noble friend to certain provisions of the Bill. The Bill would give the Local Government Board power to exercise supervision over storage of food and drink in private houses. The right hon. Gentleman might say they were raising captious criticism to the principles contained in the Bill, and that the Local Government Board had no intention of invading the privacy of private houses. That might be so, and they might be satisfied to trust to the good judgment of the present occupant of the Presidency of the Local Government Board, but they had no security that any future occupant of that office would entertain the same enlightened view. It would be an intolerable thing if, under the provisions of this Bill, it should be competent for the Local Government Board inspectors to invade private houses and inspect the conditions under which articles of food and drink were stored. He had a suggestion to put forward which would perhaps avoid that danger which they felt the Bill involved. The proposal was that the Local Government Board should have the power to make regulations for the prevention of danger arising to public health from the importation, preparation, storage, and distribution of articles of food or drink intended for human consumption. He would suggest that after the word "intended" they should insert the words "to be sold," and it would then read "intended to be sold for human consumption." That would leave the Local Government Board the power of inspecting such kitchens as the right hon. Gentleman had mentioned, in which the conditions as described were perfectly horrible and quite repugnant to the feelings of anybody who cared for human health. If the right hon. Gentleman would accept the words he had suggested private kitchens belonging to dwelling-houses would be freed from inspection. He did not think the country would tolerate for one moment that it should be in the power of Local Government Board inspectors to invade private dwelling-houses. He hoped the right hon. Gentleman would consider that point, and do something to meet it. In dealing with the regulations which it was proposed the Local Government Board should draw up, there was a stipulation that the said regulations should be laid on the Table of the House for forty days before they became operative in order that those who disagreed with them might have an opportunity of making plain their objections. Could the President of the Local Government Board give an undertaking that the House should have an opportunity of discussing them if it wanted to, for much would depend on the time of the session at which they were laid on the Table.

*The CHAIRMAN said he thought they ought to leave the question as to the regulations on that clause. It would be better on the new clause.

MR. FORSTER bowed to the Chairman's ruling. He wished to urge, however, that the right hon. Gentleman should accept the words he had suggested which would limit the inspection to articles of food imported, prepared, stored, or distributed for sale, and would not include the inspection of private houses.

MR. JOHN BURNS said he would be happy to accept not only the spirit, but the substance of the hon. Gentleman's proposals, provided the form should be "intended for sale for human consumption." That met the whole of the points that had been raised. It was not intended to invade domestic kitchens; it was only intended to deal with food for sale for human consumption.

MR. MOORE (Armagh, N.) said he welcomed the spirit in which the right hon. Gentleman had spoken. He had an Amendment on the Paper, but in view of the spirit in which the right hon. Gentleman had spoken, he would not move it.

*DR. COOPER (Southwark, Bermondsey) said that as one who had helped in public health administration for several years, he wished to point out to the House that public authorities had already ample powers of inspecting any kitchen of any restaurant, hotel, or eating-house at any time they wished to. He was the Chairman of the Committee which drew up the Report which had been read by the President of the Local Government Board. The medical officer of health for the City of London had inspected the kitchen of every restaurant, cook shop, or eating-house in his boundaries, and the medical officer of health for Westminster had done the same thing. He did not say the regulations were not required, for anybody who had read the reports of the inspectors would agree that they were. He had read the reports of medical officers of health as to the condition of the kitchens of some of the hotels in London and would not care to have his meals there, after reading those reports. What he wished to point out, however, was that in the last few years the London County Council had been advised that the boroughs had the power to inspect those places and some of them had exercised it. The difficulty was not in the making of regulations, but in the carrying of them out. It was no good for the President of the Local Government Board to make regulations if the present staff of local authorities was incapable of carrying them out. That was the one great difficulty throughout the whole of England. The President of the Local Government Board had spoken as though the regulations were only to apply to London and to the large corporations, but that was not so; they were to run throughout the whole of England. He noticed that the right hon. Gentleman had particularly mentioned meat and milk. How were they to be inspected? What was the machinery by which all the meat and milk could be examined in the country as well as in London? Everybody knew what it would mean to take the meat coming into London and have it properly examined. For proper inspection meat ought to be inspected at the time of slaughter. It would mean an enormous expense, but he would not shrink from that, for he believed that it ought to be done. But in the country there was no machinery at all for doing this work. Outside London no sanitary inspector need pass an examination, and while all large corporations would see that their inspectors did pass examinations, it was not compulsory. In the country sanitary inspectors might be paid the most miserable wages. In some cases they were only paid £10, £15, or £50 a year. Then medical officers of health were often paid small salaries and had not to devote their whole time to the duties of their office, but had to look to private practice to get their living. Under these circumstances how could all these large and powerful regulations be carried out? The real thing was to provide the machinery. The President of the Local Government Board had failed in that, for he had brought in a Bill to make regulations, but had brought in no Bill to establish the necessary machinery.

*The CHAIRMAN said that that question clearly did not arise on the Amendment. The Amendment was to leave out certain words and the hon. Member wa not addressing himself to those words.

*Dr. COOPER said the examining o these stores of food could not be carried out on the existing machinery.

*The CHAIRMAN said the hon. Member had been making that statement, and as a statement it was in order; but he could not go into the question of changes on machinery at this point.

*Dr. COOPER said the issue was that that Bill entitled the local authority to carry out the inspection of food, but did not set up any machinery by which the regulations could be effectually administered.

*The CHAIRMAN said the hon. Member must bear in mind that they were not dealing with the question of machinery, but with the regulations which were to be made.

Mr. GRETTON said he was in no sense in disagreement with the desire—the very proper desire—of the President of the Local Government Board to strengthen the inspection of the preparation, storage, and distribution of food in this country. The only point he wished to make, and which he had tried to explain, was that the Committee should have on this Amendment an assurance from the right hon. Gentleman, which he had already partly given, that he intended to act through the local authorities in whom the powers of the Public Health Act and the Food and Drugs Act were already vested. If the right hon. Gentleman now gave him some assurance that words carrying out his expressed intention that these powers would be exercised through the present authorities would be inserted in the Bill at a later stage he would not press the Amendment any further. He was quite in agreement with everything that had fallen from the right hon. Gentleman, and if he had that assurance he would withdraw the Amendment.

Mr. JOHN BURNS said that he could give the assurance unhesitatingly. The Bill did not give the Local Government Board power to create any authority and they intended to act only through the existing authorities.

LORD BALCARRES said that he thought that after what had passed his hon. friend would do well to withdraw the Amendment. He must say, however, that personally he would rather be inspected by the Local Government Board than by anybody else. He had thought all along that the Local Government Board were going to carry out these duties, but he now understood that the importation, preparation, storage, and distribution of food were to be looked after by local men. He did not wish, however, to press that point now, but would merely content himself with advising his hon. friend to withdraw his Amendment.

MR. CLAUDE HAY said that while thanking the right hon. Gentleman for what he had said with reference to the arguments which had fallen from his hon. friends, he would like to urge him to consider very seriously whether the existing staff of the local authorities could undertake this work. While paying every tribute to the activity and energy of the local authorities, such experience as he had had in London made him doubtful as to whether these duties would not be better carried out by the Local Government Board. The right hon. Gentleman had stated that he thought the arrangements which he contemplated would make the working of the Bill efficient. He (Mr. Hay) had grave doubts on that subject. He desired to aid in making the provisions of the Bill efficient, and he therefore appealed to the right hon. Gentleman again seriously to consider whether he could not find it possible to take further steps to strengthen this inspection.

MR. GRETTON said that after what had fallen from the right hon. Gentleman he would ask leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 1, line 10, after the word 'for,' to insert the words 'sale for.'"—(*Mr. John Burns.*)

Amendment agreed to.

DR. COOPER moved to leave out the words "examination and." He said that he moved the Amendment not so much out of opposition to the Bill as with the object of trying to elicit from the right hon. Gentleman what the word "examination" meant. He did this in the interests of his constituency. His borough had in it the Foreign Produce Exchange. Also large cold storage depots, three or four miles of wharves, and a large number of the wharves were crammed full of the goods which the right hon. Gentleman sought powers to examine. What he wanted to know was on what authority would the cost of the examination fall. The articles to be examined were not intended for Bermondsey and not even for London, because the produce was distributed throughout the whole of the country. On whom, therefore, would the cost of the examination fall? The right hon. Gentleman rather appeared to indicate that the cost would fall upon the local authority, but, if that were the case, it would cast a very unfair burden upon one borough in London, as it might have to bear the expense of examining articles of food intended for distribution over the greater part of the country. Under those circumstances he thought the right hon. Gentleman ought to consider whether a district so affected should not receive some contribution from a central fund, or whether the examination should not be made by the central authority for London or by the Local Government Board.

*THE CHAIRMAN said the question of a grant from a central fund did not arise under the Bill. It would require a Resolution, and therefore the reference to it was not in order.

*DR. COOPER said that he only suggested the matter for the right hon. Gentleman's consideration. He must ask the right hon. Gentleman what the examination really meant. If it meant that the inspector was to enter upon the wharves and to open all the cases of produce it meant a very serious thing. If it did not mean that, how were the inspectors to obtain information as to the defective articles of food which were very often contained in the cases. Nearly all the boats bringing Ostend rabbits, fresh-killed sheep and pigs, as well as tinned produce, came up to the wharves in his district. Was the cost of the examination in all those cases to be charged to the local authority? He had no desire to press his Amendment, but he would be perfectly satisfied to receive an answer from the right hon. Gentleman.

Amendment proposed—

"In page 1, line 13, to leave out the words, 'examination or.'"—(*Dr. Cooper.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. JOHN BURNS said in answer to the hon. Member, that the Port Sanitary Authority of London, plus the medical officer and the sanitary officers of the hon. Member's own parish, now carried out fairly well the duties entrusted to them. They did the work so well, in fact, that last year between the medical officer of the hon. Member's own parish and the Port Sanitary Authority's medical officer some 2,600 tons of unsound meat was condemned. More meat than that would have been condemned had they had the power which this Bill through the regulations would give them. He had no doubt that if this Bill was passed and regulations were made, the medical officer of the district which the hon. Member represented and of the Port Sanitary Authority would be able to have a stronger grip over the importation of unsound meat than they now had. The hon. Member had raised the question of cost. On that subject might he say that the whole of London contributed to some of the local expenses, while Imperial taxation bore the cost of half the salaries of some of the medical officers. In regard to London, the county council, which drew revenue from the whole of the Metropolis, paid half the salary of the whole of the officers mentioned. He must admit that in the event of the Bill proving that the medical inspection had to be increased and more inspectors had to be appointed the Local Government Board could only act on the experience of six months working of the Bill. Until that experience was forthcoming he was assured by the medical officer of the Local Government Board and the efficient staff working under him that in hearty co-operation with the existing medical and sanitary officers they would be able to do a great deal of good without adding a single penny either to the local rates or to the Imperial taxes. He therefore appealed to the hon. Member not to press the Amendment, and as representing a district in which a large quantity of meat of this character was unloaded, to assist to give that power which these authorities were asking him (Mr. Burns) through this Bill to grant. The Local Government Board had not received from the whole of the Port Sanitary Authorities of England and Wales nor from any medical officer or any association of medical officers, a single protest against the powers which were sought to be secured by this Bill. On the contrary, they had the unanimous support of all the local authorities on whom these duties would be devolved. In these circumstances he thought his hon. friend would be well advised not to press his Amendment.

Amendment, by leave, withdrawn.

Mr. HARMOOD-BANNER said he had on the order paper an Amendment in the following terms:—

"In page 1, line 25, at end, to insert the words '(3) Nothing in this Act shall authorise the creating of an authority other than the existing sanitary and port sanitary authorities to carry out the regulations made under this Act.'"

They had had the assurance from the right hon. Gentleman, however, that he did not intend to interfere with the local authorities. The object of his Amendment was that there should not be two authorities set up to deal with this question; that there should, in fact, be no rival authorities in competition with the existing authorities which now dealt with these questions. As they had had that assurance from the right hon. Gentleman he would not move his Amendment, but he thought the right hon. Gentleman had very wide powers given him in this Bill.

Clause 1, as amended, agreed to.

MR. JOHN BURNS moved a new clause in fulfilment of a pledge to the House as to the laying of regulations before Parliament for forty days, their publication in the *London Gazette*, and other incidental conditions.

New Clause—

"All regulations made under this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893, shall apply to such regulations as if they were statutory rules within the meaning of Section 1 of that Act, and that Act as so applied shall, notwithstanding anything in Sub-section 5 of Section 1 thereof, extend to Scotland, with the substitution of a reference to the *Edinburgh Gazette* for the reference to the *London Gazette*."

Brought up and read a first time.

Motion made, and Question proposed, "That the clause be read a second time."

MR. PIKE PEASE said that he wished to raise one or two questions in regard to this matter because he believed it was one of very great importance. He thought that this Bill was too important a measure to be taken at that hour. He saw by the Amendment just moved that all the regulations made under the Act were to be laid as soon as might be before Parliament, and that the Rules Publication Act should apply to such regulations as if they were statutory rules within the meaning of Section 1 of that Act. In reference to that he would like to ask what opportunity the House of Commons would have for considering these regulations. It seemed to him that if they were to apply the same system to other Acts of Parliament they would be able under an Amendment of that kind to legislate to a considerable extent. He for one would be only too pleased to allow the right hon. Gentleman to be an autocrat so far as the Local Government Board was concerned, knowing that in his hands the welfare of the country would be perfectly safe. Nevertheless they could not expect the right hon. Gentleman to be followed by a gentleman of exactly the same capacity, and it seemed to him a very serious matter for Parliament to allow any President of the Local Government Board or any authority to have the powers contained in that particular Amendment. He would like to ask the right hon. Gentleman what the Amendment meant, and whether the House of Commons would have an opportunity at any time of discussing these regulations.

MR. MOORE said the Bill was really carrying out and extending the powers of the Public Health Act of 1896. That applied to England and Scotland, and under the new clause which the right hon. Gentleman brought up he had very properly put in a provision that in the application of these further powers to Scotland the *Edinburgh Gazette* was to be substituted for the *London Gazette*. As the principal Act applied to Ireland just as it did to Scotland and England, was there any objection to adding to the new clause a provision that the *Dublin Gazette* should be used in so far as the Act applied to Ireland. He did not put forward the claim in any contentious way, but he did not see that there could be any objection.

MR. CLAUDE HAY said he would like to make an appeal to the right hon. Gentleman. In the earlier part of the discussion in Committee he had said that he did not think the Bill would be a dead letter in the right hon. Gentleman's hands. Might he express the hope that so long as the right hon. Gentleman was at the Local Government Board, he would make it his business that Parliament should have an opportunity, anyhow, in the first year of discussing these new regulations? It was all very well to say that under the provisions of the Bill the rules would be on the Table of the House for forty days, but they knew that that, to all intents and purposes, especially under the conditions under which business was now conducted, was, except in rare exceptions, an absolute farce; the chance of a private Member being able to raise a question on the laying of regulations was very remote indeed. The regulations really were the means by which Parliament would be able annually to overhaul the treatment of the food of the people. The question was, therefore of the first importance for the health not only of adults but also, what was in many respects more important, of the children, and he most sincerely asked the right hon. Gentleman to use his influence with the Leader of the House to see that an adequate opportunity of discussing the matter was reserved. They might be told they would have it on the Local Government Board Vote, but they all knew that, although the Local Government Board Vote was far more important in many respects than the Home Office Vote, only one day as a rule was allowed.

MR. PIKE PEASE: Not one this year.

MR. CLAUDE HAY said that, at most, two had been given in recent years and the bill of fare for the day was of such variety and such importance that there was very little chance of such an item as these regulations forming part of it. He hoped the right hon, Gentleman would consider his suggestion.

MR. CHARLES CRAIG said that during his Parliamentary career he had noticed on several occasions that when a Minister in charge of a Bill was confronted by serious opposition as to want of full details as to the working of a particular measure, he fell back on the expedient which the right hon. Gentleman had adopted on this occasion. He had introduced a Bill of one clause saying that Regulations for the carrying out of that Bill would be laid on the Table of the House, and had led the House to believe or understand that they would have an opportunity of discussing these Regulations. With regard to a great number of Bills perhaps that was sufficient assurance, but he did not know whether the Committee had properly realised what appeared to be vested in the Local Government Board under this Bill. Under the Bill and under the clause they were now discussing the Local Government Board would be able by mere rules to do things which if they were in an Act of Parliament would be the subject of very serious an long discussion. He thought that th right hon. Gentleman when H proposed that new clause, or when H gave the pledge to which he referre a few moments ago, must have done so to use a somewhat vulgar expression, wit his tongue in his cheek, knowing perfectly well that the proposal was reall not worth the paper on which it wa printed. Let them take that session Supposing the Bill had been passed int law last session and the Regulation foreshadowed under that particula Amendment had been laid on the Tabl of the House any time during the latte half of the session, what opportunit would there have been of discussing th Regulations? The Regulations of the Bil were drastic and far-reaching, and the were of such a character tha the right hon. Gentleman had admitte that the House should have a opportunity of discussing them. At the present time it was quite clear that unde the pressure of business to which the House of late had been accustomed, it would be utterly impossible to get any opportunity. He had not gone into any statistics, but the right hon. Gentleman must know that during the last two months of this session almost every day had been allocated by the various guillotine and other Resolutions, and that it would have been impossible for any Member, even the right hon. Gentleman himself, to introduce a discussion on such a matter as the Regulations foreshadowed under that clause. Personally he was not very intimately interested in the Bill, except in so far as it was pointed out by the hon. Member for Bermondsey that a large quantity of the food which was landed in his particular constituency was distributed through all parts of the country. For all he knew his own constituency might consume a number of the potted rabbits. potted pork, and other foods which had been spoken of. That gave him a direct interest in the Bill. He would point out particularly that, whereas the right hon. Gentleman might think he was making a considerable concession under that Amendment, he was in reality doing nothing of the kind. The probability of the Regulations being discussed by the House was remote in the extreme.

MR. WHITELEY said he would make an appeal to Members opposite and to the House generally. It was the idea of the Government that the House would get the Appropriation Bill by about eleven o'clock and they were desirous of getting the first seven or eight Orders on the Paper, most of which were entirely non-contentious. They were disappointed in not getting the Appropriation Bill till nearly twelve. He made the arrangement with the hon. Member opposite (Mr. Forster) that they should get the next three Orders. He was sure the Opposition would abide by that arrangement. If the Opposition were to go on discussing these Orders the arrangement was no use whatever, because they could get the Orders at any time in such circumstances. The House would see that it was not quite fair to arrange to give a certain number of Orders and then to discuss them as if no arrangement had been made. He did not imply that there should be no discussion whatever, but he thought hon. Members would support him in the view that there should be nothing in the nature of detailed discussion.

*THE PARLIAMENTARY SECRETARY TO THE LOCAL GOVERNMENT BOARD (Dr. MACNAMARA) said the clause was a considerable concession. As a matter of fact Local Government Board Regulations and Orders were ruled out expressly from any necessity of the kind. The Board made Regulations under various Public Health Acts, under the Unemployed Workmen Act and under the Poor Law and other Acts; and if hon. Members would look at the Rules Publication Act of 1893 they would see that these regulations were specially ruled out. But on this occasion, in deference to public opinion, the President proposed to present Rules to the House. This was the scheme under which it was proposed to lay these Rules.—

RULES PUBLICATION ACT 1893.

1. (1) "At least forty days before making any statutory rules to which this section applies notice of the proposal to make the rules, and the place where copies of the draft rules may be obtained, shall be published in the *London Gazette*.

(2) "During those forty days any public body may obtain copies of such draft rules on payment of not exceeding threepence per folio, and any representations or suggestions made in writing by a public body interested to the authority proposing to make the rules shall be taken into consideration by that authority before finally settling the rules; and on the expiration of those forty days the rules may be made by the rule-making authority, either as originally drawn or as amended by such authority, and shall come into operation forthwith or at such time as be prescribed in the rules."

The fullest consideration would be given to any representations that were made upon the Rules. He pointed out that it would be impossible in the case of emergency to lay Rules for forty days. Hon. Gentlemen opposite would see that that would defeat the whole object.

MR. MOORE said he merely wished to ask whether Englishmen and Scotsmen were to be protected from poisoning, while Irishmen were not. The right hon. Gentleman had made no reply to the suggestion that the new clause should include the *Dublin Gazette*.

MR. JOHN BURNS said he would be pleased to consider that point between then and the Report stage, and if the Act of 1895 applied to Ireland he would see what could be done.

MR. MOORE said he could assure the right hon. Gentleman that the Act of 1895 did apply to Ireland.

MR. CLAUDE HAY said he was very disappointed that, because in the past the Local Government Board had pursued a bad policy of issuing the Regulations without Parliament having any control, the argument should be adduced that that practice ought to be continued. The matter they were dealing with was one by which the health of the people and certain industries were vitally affected. He wished to know whether the President of the Local Government Board would between then and the Report stage try so to amend the new clause as to provide words which would give him power to act before the forty days had elapsed in the event of an emergency arising. Would he also preserve the control and power of Parliament so far as he could, so that they might be able to discuss the Regulations?

Mr. JOHN BURNS said he would be pleased to consider the point suggested by the hon. Member. If after five or six months experience of the Regulations the House desired to have an opportunity of discussing them and a demand was made for the Local Government Board Vote or a portion of it to be taken he would do his best to see that it was acceded to. Parliament might think it was necessary that special consideration should be given to that subject and if so he would do his best to meet their wishes.

Question put, and agreed to.

Clause read a second time, and added to the Bill.

The DEPUTY-SPEAKER took the Chair and the Bill was reported, with Amendments, to the House.

Bill reported; as amended, to be considered to-morrow (Friday).

IRISH LAND (No. 2) BILL.

Considered in Committee.

(In the Committee.)

Clause 1:—

Mr. MOORE moved an Amendment to provide that transactions in connection with the mineral rights which were under the Bill vested in the Land Commissioners should be carried out through the Judicial Commissioner.

The DEPUTY-CHAIRMAN (Mr. Caldwell, Lanarkshire, Mid.) said that that was not the proper place for the Amendment. It should come after the Amendment standing in the name of the AttorneyGeneral for Ireland.

Mr. MOORE thought he could satisfy the Committee that there was a difference between the two Amendments. When they discussed the Second Reading of the Bill, his friends and he made suggestions, which were treated as though they were frivolous. They had ample justification for the course they then took in the fact that most of their suggestions, or at any rate a fair number of them, had been adopted by the right hon. Gentleman in charge of the Bill. The Amendment he moved was in keeping with the Amendment the Attorney-General for Ireland had put down for a later stage. Under the Act of 1903 the mineral rights were vested in the Land Commission, and the object of this Bill was to enable the Land Commission to dispose of them. The portion of the Land Commission which under the Act of 1903 had particular charge of those rights, were the three particular members known as the Estates Commissioners. Under the Attorney-General's Amendment the Estates Commissioners were only to act with the approval of the Judicial Commissioner, who was the head of that body, but under his Amendment they were to act through the Judicial Commissioner. Leases were to be made under the Bill, for the object of the Bill was to enable the Land Commission to make leases. He thought that it was advisable that the Land Commission should act through its official head. That was quite in keeping with the provision that the acts should be done by the Estates Commissioners. The Judicial Commissioner was the head of the whole Department. He was a Judge, and was accustomed to deal with legal matters. It was highly desirable, therefore, that these matters which involved legal transactions and questions of contract should be carried out by the Judicial Commissioner. The Attorney-General for Ireland himself could not suggest that there was any other official of the Court to whom it would be proper to give the right of representing the Department. The Bill dealt with contracts either expressed or implied, and it was a perfectly proper thing that the head of the Department should be the instrument by which the seal of the Department was affixed. The head of the Department was a Judge of the High Court, and there would be no difficulty if he had to carry out the work.

Amendment proposed—

"In page 1, line 3, after the word 'Commission' to insert the words 'acting through the Judicial Commissioner.'"—(*Mr. Moore.*)

Question proposed, "That those words be there inserted."

MR. GORDON (Londonderry, N.) said he wanted to say a word before the Attorney-General replied to the hon. Member. He thought that in dealing with these leases no one would deny that there ought to be a great deal of care taken. They were going to deal with what ought to be and he hoped would be very valuable property, and it was necessary that the very best terms should be made. There was now at the head of the Land Court a gentleman who was a member of the High Court of Justice. He did not think it would be wrong if that gentleman were to use his experience to see that the best terms were obtained. The Attorney-General for Ireland had proposed, or would propose, that the words should be "acting with the approval of the Judicial Commissioner." He would like to know what that meant. Acting through the Judicial Commissioner was a very definite thing, but what did acting with the approval of the Judicial Commissioner mean. His hon. friend's Amendment meant that the Judicial Commissioner was to form his own opinion, but did acting with the approval of the Judicial Commissioner mean the same thing? Did it mean that the Judicial Commissioner was to examine and inquire into everything and see whether it was worthy of receiving his approval? If that was what was meant the Amendment was the same as that of his hon. friend. If it did not really mean that the act was to be the act of the Judicial Commissioner after inquiring and satisfying himself that it was the proper thing to do, the Attorney-General should explain what he really did mean If the Attorney-General considered the Judicial Commissioner should inquire into the matters before giving his approval, then it was obvious that the proper Amendment was that of his hon. friend. Was there any sound objection to putting in the Bill a condition of that kind and ensuring that a gentleman of great legal experience and attainments should be the person to deal with the matter?

THE ATTORNEY-GENERAL FOR IRELAND (Mr. CHERRY, Liverpool, Exchange) said he was sorry that anybody should suppose that on the Second Reading of that Bill he should have given rise to the opinion that the Amendments and suggestions made by his hon. friends were frivolous. He was afraid that some of his hon. friends on that side of the House thought that the matter raised would have been more suitably discussed in Committee. As regarded the Amendment, he had been asked to say why he had inserted the words "with the approval of" in his Amendment and what he meant by them. Under the Act of 1903 the mineral rights were vested in the Land Commissioners, to be disposed of in a manner afterwards to be provided by Parliament. A subsequent section of the same Act provided that the jurisdiction and duties of the Land Commission under the preceding section were to be exercised exclusively by the Estates Commissioners. The effect of the Act was to vest the mineral rights in the Estates Commissioners and to impose on them the duty of looking after those mineral rights. They did not wish to relieve them of their duty to look after those mineral rights, and to dispose of them to the best advantage. The Amendment proposed by the hon. Member that the Estates Commissioners should act through the Judicial Commissioner would mean that they excluded the Estates Commissioners altogether. They had no objection whatsoever to the Judicial Commissioner doing it if he could find time to do so, but they did not seek to impose on him in addition to the multifarious duties he had to perform at present the duty of exclusively looking after mining rights. What his Amendment carried out was that the practical matters as regarded the leasing of mining rights would be dealt with by the Estates Commissioners, but that when it came to actually making the lease the legal aspect of the case would be looked after by the Judicial Commissioner. The object of the words he proposed to insert was that the Judicial

Commissioner should approve of the lease in the same way that a barrister would approve of the legal form of a lease drawn up in any ordinary case.

Mr. GORDON asked if the learned Gentleman would have any objection to putting that in.

Mr. CHERRY said he had no objection to the alteration being made.

Mr. MOORE quite agreed with what the learned Attorney-General had said, but thought that he had mistaken the point of the Amendment. There was nothing inconsistent in the two Amendments. He only suggested that when the Seal of the Court had to be affixed on behalf of the Land Commission the Judge should be a party to the contract. That was tantamount to saying that the Department should act through the Judicial Commissioner.

Mr. CHERRY: The Seal of the Land Commissioners?

Mr. MOORE: That is all I meant. They should act through the Judicial Commissioner, and the right hon. Gentleman's own Amendment which comes later on the Paper is not inconsistent with that.

Mr. CHERRY: It seems to me it would be rather inconsistent with my Amendment.

Mr. MOORE said he would like to have it explained how the two Amendments were inconsistent. The Land Commissioners could do everything under the Bill, and the final thing they would have to do was to execute an instrument giving effect to the lease. It was very unsatisfactory that the Estates Commissioners should have to execute a document of this kind when a Judge of the High Court was the head of the Commission.

Mr. CHARLES CRAIG said that the objection of the learned Attorney-General to the proposal was that it would throw a considerable amount of extra work on the Judicial Commissioner. In his own speech the right hon. Gentleman said that according to his Amendment these instruments could only be executed with the approval of the Judicial Commissioner; but how could the Judicial Commissioner approve of these things? What was the difference between obtaining the approval of the Judicial Commissioner and his actually signing the document? It seemed to him that the same amount of work would be thrown on the Judicial Commissioner in the one case as in the other. If the objection was that it threw an extra burden on the Judicial Commissioner it appeared to him that the Amendment of the right hon. Gentleman imposed on the Judicial Commissioner the same amount of work as the Amendment of his hon. friend. Therefore he did not think that for that reason, at any rate, the learned Attorney-General could reasonably object to the proposal of his hon. friend, which seemed to him more business-like, and from the legal point of view more satisfactory.

Amendment negatived.

Mr. FETHERSTONAUGH (Fermanagh, N.) moved an Amendment to provide that the person entitled to 25 per cent. of the profits to be derived from any sale or leasing mineral rights should have notice and an opportunity of being heard in connection with any proposed sale or letting. He thought that the occupier of the lands might also very properly have notice and an opportunity of being heard if he so desired on the question of the sale or letting of these mineral rights. At present he would be precluded from this. He did not want to raise any controversy, but he would be glad if the learned Attorney-General could see his way to embody some provision in the Bill which would enable the owner or occupier to be heard.

Amendment proposed—

"In page 1, line 5, after 'Land Commission,' to insert the words 'with the approval of the Judicial Commissioner and after giving to the person entitled to 25 per cent. of the rent, purchase money, or other net profit under Section 13, Sub-section 3, of the Irish Land

Act, 1903, an opportunity of being heard.'"—(*Mr. Fetherstonhaugh.*)

Question proposed, "That those words be there inserted."

Mr. CHERRY said he proposed to add at the end of the clause making the grant of the lease subject to the approval of the Judicial Commission these words: "And after having when practicable ascertained the views of the person entitled to the aforesaid percentage." He did not however, provide for a notice.

Mr. FETHERSTONHAUGH said that he quite saw the learned Attorney-General's point, and he was glad to assent to his suggestion so far as the person entitled to 25 per cent. profit was concerned.

Amendment, by leave, withdrawn.

Mr. AINSWORTH (Argyllshire) said that he wished to call the attention of the Committee for a moment to one important point in the clause. He would like to move to leave out the word "sell." It struck him that in dealing with the minerals of the country it would be certainly most unfortunate if the Estates Commissioners, whose jurisdiction practically extended over the greater part of Ireland, and would in time extend over the whole of it, hastily parted with mineral rights which might become of enormous value in course of time. It was highly desirable that the whole of the minerals of the country should be under the control of a central authority, and now there was an opportunity of bringing that to pass in Ireland, the point he raised as to not unwisely disposing altogether of these great assets ought to be considered. He suggested that while they might give the Estates Commissioners power to dispose of the mineral rights by way of lease they should not confer on them the power of sale. Of course if it became necessary after seeing how the Act worked to give the Commissioners the power of sale, it could be easily done, but at present it would be sufficient that they should simply have the power to let the mineral rights. Everyone who had any acquaintance with minerals knew that it was almost impossible to say what the value of any particular kind of mineral rights might become in course of time. Mineral rights which had been under the control of the State in Great Britain had often been parted with in former times on most unfortunate terms, and the profits, which had sometimes been immense, had gone to a third party.

Amendment proposed—

"In page 1, line 5, to leave out the word 'sell.'"—(*Mr. Ainsworth.*)

Question proposed, "That the word 'sell' stand part of the Clause."

Mr. CHERRY said he could assure his hon. friend that, so far as he knew, the intention of the Estates Commissioners was that these mineral rights should be dealt with by the ordinary mining leases. But, in any event, it would be undesirable to hamper the Estates Commissioners by preventing them from selling any portion of the mining rights which they might find it necessary to do. The general intention was, however, that the rights should be leased in the ordinary way.

Amendment, by leave, withdrawn.

Amendments proposed—

"In page 1, line 6, to leave out the words 'for his own benefit.'"

"In page 1, lines 6 and 7, to leave out the words 'on such terms.'"

"In page 1, line 8, after the word 'proper,' to insert the words, 'and at the best rent or price, as the case may be, which may be obtainable.'"—(*Mr. Cherry.*)

Amendments agreed to.

Mr. BARRIE moved, to amend the clause by the addition of the words, "always provided that such intention to let, lease, sell, or demise has duly been published in the newspapers, and inviting offers for such rights, one month to be allowed for sending in of offers." He thought the purpose of the Amendment was obvious. It was very desirable that when it was the intention of the Estates Commissioners to lease any minerals that lease should not be confined to company promoters. He was anxious that the public should know that it was the intention of the Estates Commissioners to part with such right, and that public information should be given of that intention. It was extremely desirable that every facility should be given to people interested in mining enterprises to secure these rights should they desire to do so. If such words as he proposed were not added his fear was that mining enterprises in Ireland might get into the hands of a very few individuals or companies.

Amendment proposed—

"In page 1, line 10, at end, to insert the words 'always provided that such intention to let, lease, sell, or demise, has duly been published in the newspapers, and inviting offers for such rights, one month to be allowed for sending in of offers.'"—(*Mr. Barrie.*)

Question, proposed, "That those words be there inserted."

Mr. CHERRY appealed to the hon, Member to withdraw the Amendment. Such details must be left to the Estates Commissioners. They might want to give two months or three months, as circumstances might arise. If they went into these details they would find that in some way they had bound the Estates Commissioners down in a way they did not intend. He assured the hon. Member the mineral rights would be disposed of to the best advantage and in a proper way.

Mr. MOORE hoped the hon. Member would not withdraw his Amendment. It was perfectly right that these people who were dealing with public property should put an advertisement into the newspapers, just as a man did in his ordinary business, that these rights were for sale and were to be disposed of. That should not be done in a back office. There should be notice given to the public. There was a large market for these mineral rights, and it was perfectly fair that everybody should have notice. The Estates Commissioners were not strange to advertisement. At present they had to advertise practically every step they took in the *Dublin Gazette.* To say that it was going to be a hardship to put this ordinary notice into the papers was quite unreasonable. They wanted the best rates obtainable for these rights. For that there must be competition, and how could there be competition unless with advertisement.

Mr. CHARLES CRAIG said there was nothing which would bring the Estates Commissioners a better price than advertisement, and he did not see what possible objection the Attorney-General could have to the proposal. As had been already pointed out the Estates Commissioners had to advertise nearly everything they had to do. There could be no objection on the point of expense, and there was everything to be said for bringing these valuable rights before the public when they were to be disposed of.

Mr. CHERRY said he would agree to the publication in one newspaper in the locality.

Mr. MOORE: And in the *Dublin Gazette.*

Mr. CHERRY: Yes.

Amendment, by leave, withdrawn.

Mr. CHERRY moved "In page 1, line 12, after the word 'may' to insert the words 'subject to the provisions of Subsection 4 of the said Section.'" The object, he said, was to provide for compensation. The clause provided that any person entering on the land in pursuance of the subsection should be liable to make reasonable amendment.

Mr. MOORE appealed to the Attorney-General to reconsider his position. He recognised he had done something to meet him (Mr. Moore) but he pointed out that the occupier of the land was really going to be the person to suffer any hardship by the entrance of prospectors or borers or excavators. As the law stood, before such a man bought out his holding the landlord was directly responsible to him for any damage done by persons who entered in that way. But now that the estate had been sold out, what was his position? The Bill gave the Estates Commissioners power to allow people to enter to bore and excavate. He took it that those people who were going to do these things would never take out a lease. It might be they were not sufficiently solvent for the Commissioners to give them the lease. They arrived from England or somewhere else on the farm in Ireland. Against whom had the farmer any remedy? Against the company? How was he to go to London to present a claim against a company that was perhaps in liquidation? It was the Estates Commissioners which authorised these things to take place, and if the Commissioners were not to be primarily responsible there was no real remedy for damage that might be caused. It was in a great many cases an illusory remedy to give a man a right against a syndicate in London. The farmer should be really indemnified, and the people who ought to do it were the Estates Commissioners who were beneficially entitled to three-fourths of the minerals in the property. The section would leave the occupiers without due protection, and unless the Estates Commissioners were to be responsible there was no remedy.

Amendment negatived.

MR. MOORE moved an Amendment which he said was the Attorney-General's own Amendment plus protection to the occupier.

Amendment proposed—

"In page 1, line 14, at end to insert the words, 'And the Land Commission shall be primarily responsible to the occupier of the lands entered upon for the purposes of this Act for any compensation or damages by reason thereof to which such occupier shall become entitled, and same shall be part of their expenses under this Act.'"

Question proposed, "That those words be there inserted."

MR. CHERRY said he could not accept the Amendment at that moment, but he would consider the matter on Report.

Amendment, by leave, withdrawn.

MR. CHERRY moved to add the words—"(4) The powers conferred upon the Irish Land Commission by this section shall only be exercised with the approval of the Judicial Commissioner and after having, where practicable, ascertained the views of the person entitled to the aforesaid percentage." He had already said what the object was. It was to be the duty of the Land Commissioner to inform him, it might be by letter, and to ask what were his views. They wanted to ascertain as far as possible what were his views, and if he had any views they were bound to listen to them. They did not, however, want to be troubled with too much red tape which would hamper them and take up time.

Amendment proposed—

"In page 1, line 23, at the end to add the words, 'The powers conferred upon the Irish Land Commissioner by this section shall only be exercised with the approval of the Judicial Commissioner, and after having, where practicable, ascertained the views of the person entitled to the aforesaid percentage.'"

MR. MOORE said he wished to ask the right hon. Gentleman if the notice to the vendor such as it was, he knew it was not a formal notice, would extend to the occupier of the land?

MR. CHERRY said the notice did not deal with the occupier.

MR. MOORE said it was surely as much the right of the occupier of the land as the right of anyone to receive notice. If the Amendment was extended to include the occupier, it would be more satisfactory.

MR. CHERRY said he did not think it would be proper to include the occupier.

MR. MOORE said he wished to move an Amendment to the Amendment, but he was in a difficulty as he had not the actual words of the Amendment before him. He would suggest that words should be inserted which would include the occupier. Perhaps the Attorney-General for Ireland would suggest how it could be done.

Mr. CHERRY said he did not think that should come in. The occupier had nothing to do with the minerals.

Mr. GORDON said the Attorney-General had forgotten the early part of the subsection—

> "For the purpose of ascertaining the value of any such right, the Commissioner may, either alone or in association with any other persons, make such borings and other experiments as in the opinion of the Commissioners appear necessary or desirable."

Supposing they wanted to go to a particular part of the land, it might be very inconvenient.

Mr. MOORE said he wished to point out that it would be a great nuisance to the occupier to have people coming on his land and committing all sorts of serious damage. In many cases of that kind the tenant might prefer to acquire the mineral rights himself. But though notice was to be sent to the syndicate and to the landlord, the man most vitally affected had no information, and was not able to say he would rather buy than have people damaging the land.

Mr. CHERRY said he must again repeat that he thought notice to the occupier was unnecessary. The occupier would have the same rights as he had under the Act of 1881. He could not accept the suggestion. If they accepted it it would imply too much red tape.

Amendment agreed to.

Clause 1, as amended, agreed to.

Clause 2:—

*Mr. FETHERSTONHAUGH moved —"To leave out Subsection (2), and insert, 'It shall be the duty of the personal representative of the testator within the time limited by this section to register any such charge.'" He said he was sorry to have to move his Amendment at that late hour of the night, for it was rather a complex matter which might need some discussion to bring it fully to the minds of hon. Members, and for them to understand what it really meant. The second clause of the Bill, as was explained by the Attorney-General for Ireland, and in the Memorandum with the Bill, proposed an amendment of Subsection (4) of Section 54 of the Act of 1903, which was necessary for the protection of the interests of the owners of charges created by will or codicil. The section dealt with the period within which the registration of a charge on a holding by deed of charge or mortgage and also of a charge by will must be made. The section was highly objectionable, for it was a restriction on a man from dealing with his land in the best way he could. He would not make a general attack on the whole section, but would deal only with the charges by will. The original section provided that if the charge was not registered within six months of the death of the testator the charge should be null and void. The registration could not always be carried out within six months of death of testator. The section now provided that such a charge must be registered within six months of the probate of the will. That was better than the former section, for the will might not be proved within six months and then, without anybody being at fault, the children would be defrauded by that extraordinary provision. There were cases in which a person to whom a charge on land was left might not know it was left to him. The Attorney-General for Ireland now wanted to make the time for registration within six months of the probate of the will. It was a step in the right direction, but it was perfectly obvious that the section could not stand even at that. Subsection (2) provided that the registration should be effected by the person beneficially entitled to the holding. But he might be in Australia or Timbuctoo. Those words were open to grave objection. There might be half-a-dozen persons beneficially interested. If a man left land to several people, which of them was to register the charge? The section, as it read at present, seemed perfectly useless. A man might not know he was beneficially entitled, or the land might be left to a minor or a child. Who would register then? If the charge was not registered the person entitled to it lost it. The Attorney-General suggested that the person beneficially interested would be liable to an action if he did not register. If the person beneficially interested was a minor or a child the charge would be lost and no action would lie. He thought the Amendment which he moved was better than that of the Attorney-General for Ireland. He would have preferred to move Amendments in his name which were lower down on the Paper, but as that one came first he would move it. It secured that if the person beneficially interested should not register the charge, the personal representative should do it for him. If the section was to stand some extraordinary provision as to registering a charge would have to be made. His suggestion as to the amendment of the section was really to abolish altogether the restriction on charging by will. Was it not a dreadful thing that an Act of Parliament should leave it to a kind of chance whether persons, who would generally be minors, should get the charge or not?

Amendment proposed—

"In page 2, line 6, to leave out Subsection (2), and insert, 'It shall be the duty of the personal representative of the testator within the time limited by this section to register any such charge.'"—(*Mr. Fetherstonhaugh.*)

Question proposed, "That the words 'such registration' stand part of the clause."

*MR. CHERRY said that this was rather a warning against any Minister in charge of a Bill accepting suggestions from hon. Members. The House would be surprised to hear it, but it was at the special request of the hon. and learned Gentleman himself that this clause was inserted in the Bill. The hon. Gentleman pressed on him the importance of dealing with this matter, and he (Mr. Cherry) had done so to the best of his ability. The result was that the right hon. and learned Gentleman now severely criticised his proposal, and four or five Amendments to it were put down on the Paper. The hon. Gentleman proposed to cast the duty of registering the charge on the personal representative of the testator. He (Mr. Cherry) would only point out that the unfortunate personal representative of the testator would be liable to an action for damages if he inadvertently neglected to register the charge. His own clause put the duty on the person entitled to the land, and it seemed to him that the clause as he had framed it met the justice of the case very much better than the Amendment.

MR. MOORE: I understand that the effect of non-registration after six months is that the charge lapses?

MR. CHERRY: Yes.

MR. MOORE asked whether the right hon. Gentleman would, before the Report stage, consider the advisability of bringing in a clause whereby the rights of minors could be protected.

MR. CHERRY said he really could not do that.

MR. MOORE said he would not delay the proceedings if the learned Attorney-General could say that he would bring it up on Report. It would be a monstrous thing if because a man refused to register a charge a minor, very likely a mere child, should lose every penny.

MR. CHERRY: The child would not lose every penny.

MR. MOORE said it was impossible to contend with any show of justice that if a charge on land was got rid of, it was adequately met by a right of damages against some person who might not be worth sixpence.

Amendment negatived.

MR. CHERRY moved in page 2, line 6, after "registration" to insert "if not previously effected by some other person." He said that the duty of registering was cast upon any person who was entitled to the land, but the Amendment was to provide that any other person might do it.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

*MR. FETHERSTONHAUGH moved the following Clauses:—

"Subsections 3, 4, and 5, of Section 54 of The Irish Land Act, 1903, are hereby repealed.

"Section 54, Subsections 3 and 4, of The Irish Land Act, 1903, shall not apply to any charge created by will or codicil, and the words 'or in the case of a charge created by will or codicil within six months from the death of the testator shall be null and void' contained in Subsection 3 of Section 54 of said Act are hereby repealed."

He said that these clauses were intended to carry out the proposal which he suggested a short time previously, namely, that the whole of that portion of the section which dealt with charges by will and required them to be registered should be omitted by repeal of portions of Section 54, or rather by providing that it should not apply to any charge created by will or codicil. The learned Attorney-General had hardly, he thought, represented the case fairly in saying that he (Mr. Fetherstonhaugh) had asked him to bring in the section which he had inserted. He asked the learned Attorney-General to bring in an Amendment to this extraordinary Section 54, and he made two or three suggestions to the learned Gentleman on the point. The clause which the right hon. Gentleman had brought in did not, however, embody any one of those suggestions, and he hardly thought that the learned Gentleman could be serious when he suggested to the Committee that if a minor was deprived of his charge by the non-registration of the charge by the person beneficially entitled to the land, that person could be made answerable for damages. The person entitled to the land might be a minor, and if that was the case how could he be made answerable for damages to another minor? That was only one example of how the learned Attorney-General's proposal would not work, and of how the horrible injustice that was being perpetrated under this measure would be perpetuated.

THE DEPUTY-CHAIRMAN asked the hon. and learned Member whether it was the first or second clause which he was moving.

MR. FETHERSTONHAUGH: They are together.

THE DEPUTY-CHAIRMAN: They must come separately.

MR. FETHERSTONHAUGH: Then I move the first.

New Clause—

"Subsections 3, 4, and 5, of Section 54 of The Irish Land Act, 1903, are hereby repealed."—(*Mr. Fetherstonhaugh.*)

Brought up and read a first time.

Motion made, and Question proposed, "That the clause be read a second time."

MR. CHERRY said that he would be glad to discuss this question at any other time, but he really would not take up the time of the Committee now by doing so. The case put by the hon. and learned Member went entirely beyond the section which he had inserted.

MR. CHARLES CRAIG said he objected in the strongest terms that he was capable of to being told by the learned Attorney-General on the sole and only occasion when they had had an opportunity of discussing this Bill that he was not going to enter into the merits, or the demerits as he would think, on this clause at that hour of the night. That, to his mind, was simply an insult to the Opposition, who had put down Amendments to this Bill. If the learned Attorney-General objected to Bills being considered at that hour of the night, his proper course was to approach the Prime Minister and have them discussed during the day. The Attorney General was the last person who should object to Amendments of this kind being discussed at any time. It was a most insulting thing for any member of the Front Bench opposite to object to discuss Amendments on the ground that they had to come on at that time of the night. The Opposition were not responsible for the discussion of the Bill at that time of the night. He maintained that all the Amendments which had been put down by hon. Members on the Opposition side had been put down simply and solely, as the Attorney-General knew, for improving the Bill. The discussion during the time the Bill had been before the Committee had all been directed to that object, and to be told that the Attorney-General refused to reply to the observations of his hon. friend was simply adding insult to injury.

MR. GEORGE WHITELEY said that the speech to which the Committee had just listened was one which ought not to have been delivered at that time of the night. An hour and three-quarters previously an arrangement was made that the Government were to be allowed to get the first three orders. It was now half-past-two, and owing to the opposition of a few hon. Members they had not yet finished the second order. The word insult was used. He maintained that that constituted a Parliamentary outrage, and it would tend to make all agreements with regard to business impossible if hon. Members would not abide by agreements made by those who were supposed to be responsible for them.

MR. FORSTER said he felt bound to intervene for one moment. He did not think there was any reason why the atmosphere of the House should become unduly heated. No one who had listened, as he had done, to the whole of the debate which had taken place on the Bill could come to any other conclusion than that, although the discussion had taken a considerable time, it had not been unduly long and it had been directed to salient points on the Bill. He really did not think that any suggestion of obstruction could be sustained against Members of the Opposition. He was bound to say that he did not think the present heat would have been imported into the debate if it had not been for the unfortunate, though he believed unintentional, observation which was let fall by the Attorney-General for Ireland. The right hon. Gentleman objected, and said it was impossible to discuss an important topic at that late hour of the night. That might or might not be the case, but he did not think it was the point urged by his hon. and learned friend behind him. The Patronage Secretary had made reference to an arrangement which had been entered into between them. If anyone was to be blamed for disappointed hopes engendered by that arrangement it was he (Mr. Forster).

MR. GEORGE WHITELEY: I did not blame anyone.

MR. FORSTER said that was so, but he could not hold himself blameless in the matter. He thought an arrangement could be entered into to give the next three orders with only a brief discussion. He misapprehended the situation. He did not count upon the exuberant oratory of his hon. friends behind.

*THE DEPUTY CHAIRMAN: Order, order. The hon. Member must really revert to the Amendment now.

MR. FORSTER said that all he wanted to say was, if his hon. friends had really been bent on being obstructive, they would not have arrived at that advanced period of the Bill. He hoped they would now be able to bring the discussion on the Bill to a speedy termination. His hon. friends, he knew, would support him.

MR. MOORE said the fact that the Amendments of himself and his friends were just was proved by the fact that the Attorney-General had accepted about seven-eighths of them. He and his friends had let the Bill through Second Reading without a division, and that was the first opportunity they had had of discussion. There had not been a single obstructive Amendment. So far as they were concerned, they would carry out any arrangements, but he wished to point out to the Chief Whip that the Amendments had been business Amendments, and that that was the only opportunity they had had of discussion.

Amendment, by leave, withdrawn.

Bill reported, with Amendments, to the House.

JUDICATURE (IRELAND) BILL.

Considered in Committee.

(In the Committee.)

Clause 1:—

MR. FORSTER: If I might intervene for a moment I would appeal to the hon. Member who has an Amendment on the

Paper and to those who support it to reserve any observations till Report.

MR. GEORGE WHITELEY: There will be no Report stage.

MR. MOORE moved, "In page 1, line 1, to leave out 'two vacancies' and insert 'next vacancy.' In the circumstances he merely formally moved, though he confessed he was rather in a difficulty in doing so.

MR. CHARLES CRAIG rose to register a protest against what was a virtual application of the guillotine on the Bill. The Amendment on the Paper was of great importance to a great number of people in Ireland, and he himself had handed in an Amendment which he considered important. In view of the agreement between the two Front Benches he felt more or less precluded from entering into the question at any length, because if he were to enter into a debate he would detain the Committee for at least another hour or two. ["Go on."] Although he, like his hon. friend, was in a difficulty, he would not, in view of the arrangement which had been entered into under a mistaken idea, go on. In ordinary circumstances the Amendment would have occupied considerable discussion, and he must repeat his protest, that it was only because of the agreement he and his hon. friends were allowing the matter to go without discussion.

MR. CLAUDE HAY said he would like to intervene as a peacemaker. What he was going to ask of the Minister in charge of the Bill was this. He had sat up because he was interested in the salary of the Lord Chancellor of Ireland, which he wished further to reduce, and what he wished to know was whether, in view of the arrangement come to, unknown to him, the Chief Whip would see that the Third Reading of the Bill was taken at such a time that they might have fair opportunity for discussing their views.

MR. GEORGE WHITELEY: It is the usual thing to take the Third Reading immediately in the case of a minor Bill.

MR. FORSTER: In the circumstances I hope the hon. Gentleman will not press that.

MR. GEORGE WHITELEY: It has always been taken for granted. I did not even make any arrangement about it.

MR. CHARLES CRAIG: Are we to have no discussion at all?

MR. GEORGE WHITELEY: It is almost a formal matter that Third Reading should follow immediately, as a sequel.

MR. FORSTER: I know that it is constantly done, but I hope that in the circumstances, and seeing I have made a frank and full confession that I misapprehended the situation, the Third Reading will not be pressed just now.

MR. GEORGE WHITELEY: On the understanding that the Third Reading will not be debated at any great length, I will not ask for it now.

MR. MOORE: We have not debated the matter at all.

MR. CHARLES CRAIG: My hon. friends and myself are quite ready to meet the wishes of the Front Benches, but I would like to say that when the Third Reading comes up we must be allowed a reasonable time for discussion.

THE DEPUTY CHAIRMAN: Does the hon. Member withdraw his Amendment?

MR. MOORE: Yes, I withdraw.

Amendment, by leave, withdrawn.

Bill reported, without Amendment; to be read the third time To-morrow (Friday).

ADJOURNMENT.

Motion made, and Question, "That this House do now adjourn"—(*Mr. Whiteley*)—put, and agreed to.

Adjourned at a quarter before Three a.m.

An Asterisk (*) at the commencement of a Speech indicates revision by the Member.

HOUSE OF LORDS.

Friday, 16th August, 1907.

VISCOUNT GORT.

Petition of John Standish Surtees Prendergast Viscount Gort, in the Peerage of Ireland, claiming a right to vote at the elections of Representative Peers for Ireland; read, and referred to the Lord-Chancellor to consider and report thereupon to the House.

PRIVATE BILL BUSINESS.

Alexandra (Newport and South Wales) Docks and Railway (Additional Capital, etc.) Bill. Read 3^a, with the Amendments, and passed, and returned to the Commons.

PETITIONS.

SMALL LANDHOLDERS (SCOTLAND) BILL.

Petition against; of Persons signing; read, and ordered to lie on the Table.

RETURNS, REPORTS, ETC.

BOARD OF AGRICULTURE AND FISHERIES.

Report on the Second International Dairy Congress, held at Paris in October, 1905, including a detailed account of the proceedings relating to international co-operation for the prevention of butter adulteration; with an appendix.

STATISTICS.

Statistical Abstract for the United Kingdom in each of the last fifteen years from 1892 to 1906. Fifty-fourth Number.

LABOUR STATISTICS.

Eleventh Abstract of Labour Statistics of the United Kingdom, 1905–1906.

IRISH LAND ACT, 1903.

Report of the Estates Commissioners for the year ended 31st March, 1907, and for the period from 1st November, 1903, to 31st March, 1907; with appendices.

PUBLIC WORKS (IRELAND.)

Seventy-fifth annual report of the Commissioners of Public Works in Ireland, with appendices, for the year ended 31st March, 1907.

TRADE REPORTS (ANNUAL SERIES.)

No. 3901. Brazil (Bahia, 1904–1906).
No. 3902. Italy (Lecce).

BROOKLANDS MOTOR-RACING TRACK.

Dr. Reginald Farrar's report to the Local Government Board on the accommodation of navvies engaged in the construction of the Brooklands motor-racing track, near Weybridge; with some suggestions relating to constructional works in general.

Presented (by Command), and ordered to lie on the Table.

POST OFFICE SITES BILL.

Returned from the Commons with the Amendment agreed to.

MARRIED WOMEN'S PROPERTY BILL.

Returned from the Commons with the Amendments agreed to.

PROBATION OF OFFENDERS (NO. 2) BILL.

Returned from the Commons with the Amendments agreed to.

AGRICULTURAL HOLDINGS ACT, 1906.

THE EARL OF CAMPERDOWN: My Lords, seeing the noble Earl the President of the Board of Agriculture in his place, I wish to ask him a question, of which I have given him private notice, with regard to a debate which took place in your Lordships' House some little time ago on the subject of sheep valuation. I wish to know whether the Law Officers of the Crown have yet given their opinion with regard to Clause 2, Subsection (3), of the Agricultural Holdings Act, 1906, upon which considerable doubt has arisen in the minds of the sheep farmers of Scotland; and, if they have done so, whether the noble Earl will communicate the substance of the opinion to the House.

THE PRESIDENT OF THE BOARD OF AGRICULTURE AND FISHERIES (Earl CARRINGTON): My Lords, in answer to my noble friend, I have to say that the Law Officers of the Crown have not yet given their opinion on this question, and therefore I am sorry I am unable to make any further statement respecting it at the present moment. The whole matter is receiving very careful consideration at the hands of the Government, but it is somewhat more complicated than might have been supposed, as the answer to be given in each case depends on the term of the agreement or lease, and these are by no means uniform. But I can assure the noble Earl that I will give him the further information with the least possible delay.

THE EARL OF CAMPERDOWN: I am quite certain that the matter has been, and is, under the very careful consideration of His Majesty's Government. It was before the Law Officers of the Crown as far back as April last, and apparently they have not been able during all this time to arrive at any conclusion. I hope the noble Earl will endeavour to accelerate their deliberations in some manner or another.

CRIMINAL APPEAL BILL.

Read 3ª (according to Order).

*LORD ASHBOURNE moved the substitution of the word "or" for "and" in Clause 3, the effect being to make the certificate of the Judge an alternative to giving leave to apply to the Court of Appeal. He explained that when the Bill came up from the House of Commons it contained the qualification that the liberty to appeal on questions of fact should be with the permission of the Court of Criminal Appeal. His noble and learned friend Lord Halsbury was of opinion that it should be upon the certificate also of the Judge who tried the case, and an Amendment to that effect was introduced and was now in the Bill. This Amendment had received criticism, and it had been suggested that, although it might work extremely well in a great number of cases, it might happen in some cases that the Judge would be unwilling to give a certificate which, in the opinion of other Judges, should be given. His noble and learned friend had considered those criticisms, and thought they could be met by giving an appeal from the refusal of the Judge to give a certificate. No doubt that would meet the difficulty, and there were precedents for it in the civil procedure of the country; but, as the result of much consideration, he (Lord Ashbourne) had come to the conclusion—in which he thought Lord Halsbury would concur—that the Amendment he had placed upon the Paper to-day would meet the case in a simpler way. If it were provided that on the refusal of a Judge to give a certificate there should be an appeal from that refusal to the Court of Appeal before the matter was heard, it might lead to delay and complication; and in all the circumstances it would be shorter to allow the certificate of the Judge to be an alternative to the leave of the Court of Appeal. Usually it might be expected that the Judge in proper cases would give a certificate, and in such cases *pro tanto* the work of the Court of Appeal would be lessened. If the Judge did not see his way to giving a certificate, knowledge of that fact would as an expression of opinion be of advantage to the Court of Appeal. The matter was further assisted by the Amendment which Lord Collins had on the Paper to strengthen Clause 8, requiring that in every case the opinion of the Judge should be available for the Court of Criminal Appeal. He had always felt the importance of utilising in the most convenient way the opinion of the Judge who had recently presided at the trial and knew all the points, and who could say at once whether in his opinion it was a fit case for appeal.

Amendment moved—

"In page 3, line 10, after the word 'appeal' to leave out the word 'and' and to insert the word 'or.'"—(*Lord Ashbourne.*)

THE LORD CHANCELLOR (Lord LOREBURN): My Lords, I am extermely glad that the noble and learned Lord has put down this Amendment. I am satisfied that your Lordships did not quite appreciate the full bearing of the Amendment which you inserted in Committee, and did not realise that by it it would be in the power of any Judge, or chairman or vice-chairman of quarter sessions, to prohibit the appeal which it was the object of the Bill to allow. Your Amendment has not, I believe, been received with favour in any quarter outside this House, and I have received a suggestion from a very eminent Judge that it should be amended in the way now proposed by my noble and learned friend. What my noble and learned friend is now moving is that there may be an appeal on questions of fact either with the leave of the Court of Criminal Appeal or upon the certificate of the Judge who tried the convicted person that it is a fit case for appeal. I think that in moving this Amendment my noble and learned friend has taken a very wise course. For my part, I think the Amendment is a quite satisfactory and reasonable proposal, and I assent to it.

LORD JAMES OF HEREFORD said that, as one who had for nearly forty years, in office and out of office, endeavoured to secure a Court of Criminal Appeal, he entirely agreed with the Lord Chancellor. The Amendment which their Lordships inserted in Committee would, had it been allowed to remain, have completely destroyed the Bill. If was with the greatest relief that he saw on the Paper the Amendment which his noble and learned friend had now moved, and he was sure that everyone in favour of this most necessary reform would thank Lord Ashbourne and Lord Collins for the solution they had found for the grave position in which the matter had been left. This Bill was a great experiment, and he confessed that he had always felt some anxiety lest the setting up of a Court of Criminal Appeal should prove too great for their present judicial strength. But if the Bill passed into law the Government must take the responsibility of meeting any demand for addition to the judiciary occasioned by it, and he was sure the public would not object to such an increase if it should prove necessary. But beyond numerical strength, much depended on the manner in which the Bill was administered. They knew that some of the Judges had expressed a strong opinion against the Bill. He felt confident that whatever might be the opinion of the Judges in respect to this legislation, they would loyally administer the Act. The Lord Chancellor had stated, at a previous stage of the Bill, that Judges were not always law reformers. He was afraid the past had proved the truth of this, and in the future their objection to this Bill would probably be quoted as a further instance of their opposition to useful reform. But he was sure the character of the Judicial Bench would be maintained by their loyal administration of the law.

*THE MARQUESS OF LANSDOWNE: My Lords, my noble and learned friend Lord Halsbury is not able to be here this evening, but I am assured that he is quite prepared to accept an Amendment, if not in these actual words, at any rate one the effect of which would be substantially the same. I know that Lord Halsbury was most anxious to arrive at a settlement which would be acceptable to the noble and learned Lord on the Woolsack, and I should be sorry if it were thought that any decision on this question to which he was likely to take exception were come to in his absence.

THE LORD CHANCELLOR: I may say that I have to thank Lord Halsbury for his generous and considerate treatment of this Bill.

On Question, Amendment agreed to.

LORD COLLINS moved to omit from Clause 8 (Judge's notes and Report to be furnished on appeal) the words—

> "In all cases of an appeal against sentence only, and in any other case if he thinks it desirable in the interests of justice to do so, or if required by the Court of Criminal Appeal."

He explained that the object of this Amendment was to make it certain that in all cases the Court of Appeal should be furnished with the opinion of the Judge or chairman of the Court before whom the applicant was convicted. The Amendment inserted the other day on the Motion of Lord Halsbury had been construed as having the effect of leaving it to the absolute discretion of the Judge who tried the case whether there should or should not be an appeal. He believed that was not the intention of the mover; it was certainly not the intention of those who supported the Amendment. The object of Lord Halsbury's Amendment was to assimilate as far as possible the criminal to the civil procedure, and it was a well-known practice in civil actions that the right of appeal in certain cases depended upon leave being given by the Court appealed from; but it had never been held that the refusal of the Court whose decision was being reviewed to give leave to appeal had ever stopped an appeal, the reason being that the Court of Appeal had jurisdiction to review the exercise of that discretion on the part of the Court below. Although the Court of Criminal Appeal did not start in life fully equipped with inherent jurisdiction such as existed in the present civil Court of Appeal, still he would have thought it quite an arguable question whether the Court of Criminal Appeal would not have had discretion to review the decision of a Judge in ruling that a case was not a fit one for appeal. But in order to remove any doubt on the matter he had placed an Amendment on the Paper which had for its object to secure that in every case, as a matter of necessity, the opinion of the Judge who tried the case should be before the Court of Appeal when they came to review the decision. If his Amendment were agreed to, Clause 8 would read—

> "The Judge or chairman of any Court before whom a person is convicted shall, in the case of an appeal under this Act against the conviction or against the sentence, or in the case of an application for leave to appeal under this Act, furnish to the Registrar, in accordance with Rules of Court, his notes of the trial; and shall also furnish to the Registrar in accordance with Rules of Court a report giving his opinion upon the case or upon any point arising in the case."

This Amendment was strictly ancillary to the Amendment already agreed to on the Motion of Lord Ashbourne, and he hoped the Lord Chancellor would accept it.

Amendment moved—

"In page 6, line 18, to leave out from the first 'and' to the word 'shall' in line 20."—(*Lord Collins.*)

THE LORD CHANCELLOR: My Lords, there can be no objection to this Amendment, the purpose of which is to require that in all cases where there is an application for appeal the Judge who tried the case should furnish the Court of Appeal with a report on the case. I think it is very satisfactory that it should be so, and I make no objection to the Amendment.

On Question, Amendment agreed to.

THE LORD CHANCELLOR: The object of the next Amendment is to require that the charges for the furnishing of a transcript of the shorthand notes of the trial to any party interested shall be upon the payment of charges to be fixed by the Treasury, instead of being prescribed by rule.

Amendment moved—

"In page 10, line 36, to leave out the words 'the prescribed' and to insert the word 'such,' and after the word 'charges' to insert the words 'as the Treasury may fix.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

THE LORD CHANCELLOR: The next Amendment is simply to enable the Secretary of State, if he thinks fit in any case, to direct that a transcript of the shorthand notes should be made and furnished to him for his use. I cannot imagine that there will be any objection to this.

Amendment moved—

"In page 10, line 36, after the word 'charges' to insert the following new subsection:—'(2) The Secretary of State may also, if he thinks fit in any case, direct a transcript of the shorthand notes to be made and furnished to him for his use.'"—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Consequential Amendment agreed to.

THE LORD CHANCELLOR: The next Amendment is simply one of business. Rules are made as they are required by a committee of Judges, but I desire to provide that if they affect the governor or any other officer of a prison, or any officer having the custody of the appellant, they shall be subject to the consent also of the Secretary of State.

Amendment moved—

"In page 11, line 19, after the word 'Chancellor' to insert the words 'and so far as the rules affect the governor or any other officer of a prison, or any officer having the custody of an appellant, subject to the approval also of the Secretary of State.' "—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Drafting Amendment agreed to.

THE LORD CHANCELLOR: I have now come to the last of my Amendments. Its object is to provide that a recommendation made by the Court of Criminal Appeal as to the sending of an alien out of the country shall have the same effect as a recommendation of the convicting Court.

Amendment moved—

"In page 13, line 29, after the word 'recommendation' to insert the words 'and a recommendation so made by the Court of Criminal Appeal shall have the same effect for the purposes of Section 3 of the Aliens Act, 1905, as the certificate and recommendation of the convicting Court.' "—(*The Lord Chancellor.*)

On Question, Amendment agreed to.

Bill passed, and returned to the Commons.

EVICTED TENANTS (IRELAND) BILL.

Read 3ª (according to Order).

THE EARL OF MAYO, on behalf of Lord Monteagle of Brandon, moved to leave out Subsection (6) of Clause 2, which, he said, was inconsistent with Subsection (10) inserted on Report.

Amendment moved—

"In page 3, lines 24 to 29, to leave out Subsection (6) of Clause 2.—(*The Earl of Mayo.*)

*THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): This Amendment is really consequential on what your Lordships have already done. I must not be taken as accepting it, but the subsection clearly ought not to remain in the Bill.

LORD ASHBOURNE said it would be inconsistent if it did.

On Question, Amendment agreed to.

*LORD ASHBOURNE moved to make clear the scope of the appeal subsection by expressly allowing an appeal on any question of law and fact to a new tenant whose land had been compulsorily acquired, and to a landlord whose untenanted land was likewise taken. He thought these appeals were given as the amended Bill stood, but there should be absolute clearness on the point by mentioning the sections. Section 7 had become Section 6 in the new drafting. His Amendment, therefore, would name Section 6 and not Section 7, as it appeared on the Paper.

Amendment moved—

"In page 4, line 2, after the word 'order' to insert the words 'including any question of law or fact under Section 1, Subsection (3) and Section 6.' "—(*Lord Ashbourne.*)

* THE EARL OF CREWE: The Amendment as it affects the old Section 7, now Section 6, carries out the engagement which I gave when the House was considering this Bill on Report; but, so far as regards Section 1, Subsection (3), the House will remember that the noble and learned Lord on the Woolsack pointed out that it appeared that under the Amendment inserted on the Motion of the noble and learned Lord Robertson this particular kind of protection was given. However that may be—and it is a point which I do not wish to argue, chiefly because I am not competent to argue it—I do not oppose the insertion of the words here, on the understanding, of course, that the general question of appeal, except so far as I have definitely stated to the House what we are prepared to do, must be considered still to be in the hands of my right hon. friend in another place, and that I must not be taken as accepting the Amendment so far as it applies to Section 1, Subsection (3).

* LORD ASHBOURNE said that he did not think there was any substantial difference of opinion between himself and the noble and learned Lord on the Woolsack on the question of law. He was of opinion that disputed facts undid the right of appeal and that if the facts were admitted it might be that the Courts would say whether the Act had been violated.

On Question, Amendment agreed to.

LORD DUNBOYNE said the object of his first Amendment, and the three others which immediately followed, was to secure consistency of wording. Clause 18 provided that this Act might be cited as the Evicted Tenants (Ireland) Act, 1907, and should be construed as one with Part I. of the Irish Land Act, 1903, in this Act referred to as "the Act of 1903," and might be cited with the Land Purchase Acts. But throughout the Bill the Act of 1903 was variously described, and his Amendments were to secure uniformity in the drafting.

Amendment moved—

"In page 5, lines 3 and 4, to leave out the words 'Purchase of Land (Ireland).'"—(*Lord Dunboyne.*)

On Question, Amendment agreed to.

Drafting Amendments agreed to.

LORD MONTEAGLE OF BRANDON moved an Amendment to provide that if questions under petition had been determined "in such a manner that the Estates Commissioners would be entitled under the order of the Judge of Assize, or of the King's Bench Division, or of the Court of Appeal, as the case may be, to acquire the said lands," a binding agreement should be deemed to have been concluded between the parties. He appealed to the noble Earl the Lord President to meet them on this point. These proceedings might extend over three or four years, and under the arrangement in the Bill the owner would suffer great hardship from the uncertainty as to whether at the end of that period the Commissioners were going to purchase or not. The argument of the Lord President against this Amendment was, as he understood it, that the price eventually fixed on appeal might be prohibitive. Surely if they were to have entire confidence in the Estates Commissioners, the Commissioners on their side should have confidence in the Court of Appeal. It would appear that the Estates Commissioners mistrusted the Court of Appeal, otherwise why should they want the power to withdraw from a bargain after the decision of the Appellate Court?

Amendment moved—

"In page 6, line 42, after the word 'determined' to insert the words 'in such a manner that the Estates Commissioners would be entitled under the order of the Judge of Assize, or of the King's Bench Division, or of the Court of Appeal, as the case may be, to acquire the said lands.'"—(*Lord Monteagle of Brandon.*)

*THE EARL OF CREWE: My noble friend always argues his points with great fairness and in a most persuasive manner, but I am afraid I cannot accept this Amendment. The noble Lord says that the Estates Commissioners apparently do not trust the Court of Appeal. On the contrary, I should have thought it was rather that they mistrust their own judgment in certain cases compared with that of the Court of Appeal. The Court of Appeal might find that for some reason the land which the Commissioners desired to purchase was of an extremely valuable character. Supposing, for instance, that during the interval a valuable bed of gravel was discovered on the property for which a prohibitive price would have to be paid. Under this Amendment the Commissioners would be compelled to acquire the land at any price that might be properly put upon it; and in this case they might find themselves saddled with a piece of land which under no circumstances could they resell to a tenant to be worked as a farm. It seems to me reasonable that the Commissioners, having to deal with public money, should have a chance of withdrawing if they have made a definite mistake, which the Court of Appeal would correct, instead of finding themselves landed with property which they are unable to part with for the purpose for which the Act is passed.

LORD ATKINSON said a gross injustice would be inflicted on the owner if the Commissioners could recede from their bargain after the appeal had been determined and after all the expense the owner had incurred in fighting his case. They practically bought the land, and the only question referred was the amount to be paid for it. If the Estates Commissioners could in the end throw the land back on the owner's hands, the landlord would be the subject of public odium in the district as the person who, by the declaration of the Estates Commissioners, stood between the men who were to be relieved and the acquisition of the land. No more unfair proceeding could be imagined. If the Estates Commissioners did not want to buy the land at the higher price fixed by the Court of Appeal, they should confine themselves to the ordinary powers of acquisition by agreement.

LORD DUNBOYNE said that Parliament could, of course, do as it liked; but he would ask the noble and learned Lord on the Woolsack whether any such unilateral contract could be enforced in any Court in England, and it was hard that in Ireland landowners should be bound by laws which would be considered inequitable in this country.

THE LORD CHANCELLOR: There is no doubt that under the Lands Clauses Acts a notice to treat is an irrevocable transaction by statute. That is the only analogous case which has been referred to. I do not know why it necessarily follows that in an Act of this kind the same course should apply. Speaking for myself, I do not think the provision in the Bill at all unfair.

LORD DUNBOYNE said that this was a contract by which one party was bound and the other was not.

THE LORD CHANCELLOR: I understand the landlord would not be bound. There is an appeal, and I understand that it is not until after the appeal that anything is finally settled against the landlord.

LORD DUNBOYNE disagreed. If the Estates Commissioners thought the compensation fixed on appeal too high they could withdraw from the transaction, but the landlord was bound to carry it out under the order of the Court.

LORD ASHBOURNE asked what would be the position of the owner in the event of the Commissioners receding from their bargain after the appeal. Would he be refunded the expense that he had necessarily incurred in instructing solicitor and briefing counsel, etc.? If not, a great injustice would be inflicted.

***THE EARL OF CREWE:** As regards the point which has just been raised by the noble and learned Lord, I would refer him to Clause 5, Subsection (3), which provides that—

> "All costs and expenses in the opinion of the Judicial Commissioner necessarily and properly incurred by any petitioner in respect of a petition under this Act. . . . shall be paid as part of the expenses of the Land Commission to the person who incurred such costs or expenses."

One of the great objections we made to the whole question of appeal was that the cost fell upon public funds. I wish to submit this consideration. Supposing those very high prices have to be paid, the money has to come from somewhere, and it clearly must endanger the Guarantee Fund. Although we shall not divide against the noble Lord's Amendment, I cannot accept it, partly for this reason—that what I said about the £100,000 to be taken from the Purchase Aid Fund would have to be withdrawn or qualified if there is a question of very large losses being incurred in this manner on resales.

On Question, Amendment agreed to.

Drafting Amendments agreed to.

LORD ASHBOURNE moved to amend Clause 7, by inserting words to make it read—

> "The owner of any land proposed to be acquired under this Act may offer to sell any other land as an alternative in lieu thereof, and the Estates Commissioners shall consider any such offer."

He said it would be remembered that he had inserted a short Amendment giving option to the owner to offer an alternative site. It was desired that he should amend it in the way indicated in this Amendment.

Amendment moved—

> "In page 9, line 20, after the word 'owner' to insert the words 'of any land proposed to be acquired under this Act,' and to leave out the words 'an alternative site which' and to insert the words 'to sell any other land as an alternative in lieu thereof and'; and in line 21, to leave out the words 'fully and fairly,' and after the word 'consider' to insert the words 'any any such offer.'"—(*Lord Ashbourne.*)

***THE EARL OF CREWE:** Will the noble and learned Lord consider whether it is necessary to insert "as an alternative" and also "in lieu thereof"; will not one do?

Lord ASHBOURNE said he had a lingering affection for the word "alternative," which was to be found in section after section of the Labourers Act dealing with this topic. But if the noble Earl thought the words as they stood interfered with any one's peace of mind, he would delete "in lieu thereof."

On Question, Amendment, as amended, agreed to.

Drafting Amendments agreed to.

*The Earl of CREWE had a number of drafting Amendments on the Paper to Clause 11.

*The Marquess of LANSDOWNE: Before the noble Earl moves his series of drafting Amendments to this clause, may I ask a question with regard to the effect of the clause. I understand that under it the farming stock with which the reinstated tenant is provided is given immunity from proceedings under the Bankruptcy Acts. Is that immunity confined to the stock given to the tenant in the first instance? Let us assume that he is given six cows. These six cows are, of course, immune. But does the stock of that particular tenant after the six cows have gone where the good cows go enjoy immunity? Are these tenants to be given immunity for all time in respect of their old debts, or is it limited to so much of the stock and chattels as are granted to them at the outset?

*The Earl of CREWE: I confess this point had not occurred to me, and I am loth to give an answer offhand; but my impression is that it would be only the stock actually supplied by the Commissioners that would be immune.

*The Marquess of LANSDOWNE: There would be no hereditary immunity?

*The Earl of CREWE: I think not.

Lord ATKINSON said the point could be easily met by substituting the word "purchased" for the word "provided."

Drafting Amendments agreed to.

The Earl of DONOUGHMORE moved to amend Clause 13, which provided that—

> "Any land acquired under this Act which is not required for the purposes of this Act may be sold under the Land Purchase Acts to any person mentioned in section two of the Act of 1903,"

by leaving out the word "may" and inserting in its place the words "after having been offered to the person from whom it was acquired may if the offer is not accepted by him within the prescribed time." He believed this Amendment was now in a form which would be acceptable to the noble Earl in charge of the Bill. He did not pretend that noble Lords from Ireland had got all they wanted in this matter, but he recognised that there were practical difficulties in the way of fully meeting their wishes.

Amendment moved—

> "In page 10, line 16, to leave out the word 'may' and to insert the words 'after having been offered to the person from whom it was acquired may if the offer is not accepted by him within the prescribed time.'"—(*The Earl of Donoughmore.*)

*The Earl of CREWE: I am much obliged to the noble Earl for having put his Amendment in what I consider a very reasonable form.

On Question, Amendment agreed to.

*The Earl of CREWE, who had the following Amendment on the Paper—

> "To leave out Clause 17 and insert the following new clause: '18. The provisions of this Act conferring powers for the acquisition of land and for the determination of tenancies shall continue in force for three years after the passing of this Act,'"

said: My Lords, I now come to the last Amendment. It is to Clause 17. As it appears on the paper the Act is to continue in force for only three years. That was the decision of your Lordships' House. I did not accept three years, and I am now going to move the new clause with the limit altered to four years because I do not wish it to appear that I have actually moved "three years." My Amendment will no doubt be negatived by your Lordships and the Bill will go back to the House of Commons with the limit of three years.

Amendment moved—

> "To leave out Clause 17 and to insert the following new clause:—(18) The provisions of this Act conferring powers for acquisition of land and for the determination of tenancies continue in force for four years after the passing of this Act."—(*The Earl of Crewe.*)

THE EARL OF MAYO moved to amend the Amendment by substituting "three years" for "four years." He thought three years would give ample time, and it was the period which, after a division, had been decided upon by their Lordships. He originally desired the limit to be two years, but the Government asked that it should be four, and their Lordships, having split the difference, should adhere to their decision.

Amendment moved to the proposed Amendment—

> "To omit the word 'four,' and to insert the word 'three.'"—(*The Earl of Mayo.*)

VISCOUNT MIDLETON suggested "December 31st, 1910." That would give time to decide upon the rules of procedure and establish the staff, and three clear years for working the Act.

*THE EARL OF CREWE: I am afraid that what I thought was a harmless proceeding has caused more difficulty than I imagined. I moved four years, assuming that noble Lords opposite would reduce it to three years. I did not want the Bill to go down to another place with three years moved by myself.

On Question, Amendment to the Amendment agreed to.

On Question, Amendment, as amended, agreed to.

*THE EARL OF CREWE: My Lords, before I formally move that the Bill do pass, perhaps it would be respectful to the House that I should say one or two words on the general course of the debate, but our dealings with it have been so recent that it is not, I think, necessary to make a speech of any length on this occasion. What I may call the atmospheric condition of the House has been favourable during the progress of this Bill, unusually so, perhaps, for a Bill connected with Ireland, and particularly one concerned with Irish land. I do not know how entirely to account for that fact. Perhaps that is partly because other portions of the United Kingdom are somewhat more disturbed. I might say, to continue the metaphor, that a large and deep depression lies over the whole of Scotland, with the centre of the cyclonic disturbance at Edinburgh. But, however that may be, I desire to express to noble Lords opposite my gratitude for the manner in which they have carried on their share of the discussion that has taken place.

The principle of compulsion, which is the pivot of this Bill, has been if not very cheerfully, at any rate distinctly, conceded by your Lordships, and also the fact that the measure is urgent. So much so, in fact, has that last consideration been present to your Lordships' minds that you have recently shown your determination that its proceedings should be concluded at even an earlier date than that which would have satisfied us. As regards the two main points at issue in the Bill, the question of appeal has been, in our opinion, in some degree bound up with the question of urgency. I pointed out that consideration in explaining the various reasons, of which this was one, why we were not able to agree to the Amendment of Lord Atkinson, in relation to the possibility of issuing schemes, which he afterwards withdrew. We have freely said that we give an appeal on value, and we also give an appeal against what I may call any kind of gratuitous compulsion under what is now Clause 6 of the Bill. But we have not been willing to give an appeal on what I think my noble and learned friend on the Woolsack spoke of as questions of opportuneness—that is to say, whether compulsory powers ought to be applied in connection with any particular land. We have not conceded the application of the Lands Clauses Acts in their entirety to these purchases; but we have maintained the position that a fair price ought in every case to be given for the article which is sold under this Bill.

The other matter on which controversy principally turned was the question of the planters. I think the case of the planters has been for many years past overstated on both sides. They are certainly by no means the collection of bravos which they have been described in some quarters. Speaking of them as a class, that would be quite untrue. On the other hand, I do not think they are exactly the collection of village Hampdens which the noble and learned Lord, Lord Robertson, would have us believe. Nor do I think that as regards the treatment that should be meted out to the planters under this Bill there is any fundamental difference between the two sides of the House. But we think that the manner in which your Lordships have amended the Bill goes too far; that it practically renders nugatory the provision as to new tenants. Your Lordships, on the other hand, consider that we do not offer sufficient protection in possibly hard cases; but I do not at all despair that it may be possible to reach some agreement on the matter which may be satisfactory both to noble Lords opposite and to ourselves.

There has been a certain degree of difference of approach between the two sides of the House on the whole matter, particularly, I think, during the earlier stages of the Bill. It was very obvious that a general mistrust of the probable action of the Estates Commissioners was expressed from the other side of the House. We, on the contrary, have all through expressed conviction that they will act like good officials and sensible men, and that they are not likely, certainly by intention, and we hope not by error, to inflict hardship upon those with whom they have to deal. The noble Marquess, Lord Lansdowne, expressed himself, at the end of yesterday's debate, somewhat disappointed that I had not been able to be more explicit on certain matters, particularly, I think, on the question of the composition of the Court to which appeal is to be made. I should have been very glad if it had been possible for me to deal so far finally with the whole question. But I have thought, on the whole, it was better not to attempt here to press home agreement on a point upon which we are approximately agreed.

The measure will now go down to another place. Your Lordships' Amendments will be considered there, and I hope that the final result will be the passing of the Bill. It has been, of course, very materially altered in some respects by your Lordships' House, and, as the House is aware, various Amendments have been made to which we have not been able to agree. But I hope the Bill will ultimately become law, and in a shape which will be fair to all Parties and will work well. I feel bound to say once more that I think it would be a profound misfortune if this measure were to fail. The natural fear in such a case of anybody who knows Ireland at all would be that its failure might produce certain outbreaks of disorder. That would be an exceedingly unfortunate result, but it would not, in my opinion, be the most unfortunate possibility in connection with the Bill. This Bill to some extent may be called an extension of the Act of 1903—a distinct widening, I admit, of that Act—and also, of course, of the agreement which was arrived at before that Act by the different classes interested in land in Ireland. What I should be afraid of would be that if this Act were to fail the whole question of the purchase of land by agreement in Ireland might be seriously compromised, and I should look forward with the greatest regret to any possibility of the kind. It is on that particular ground that I do not attempt to hide my anxiety that it should become law.

I can say with honesty that throughout the discussions I have endeavoured to place myself so far as I could in the position of those on that side of the House who conceive that their interests might be injuriously affected under this Bill, and so far as I could without agreeing to anything which to my mind destroyed the purpose of the Bill I have endeavoured to meet them. I hope that equally on the other side of the House noble Lords will, by giving up some of the things which they may value, contribute to their share of the settlement of this question. The number of persons and the magnitude of the actual interests affected by this measure cannot be very great, but the importance of the measure is, in my judgment, out of all proportion to the number or the magnitude of the interests involved, owing to those historical, and, if you will have it so, sentimental causes to which I alluded in the Second Reading debate and which are well known to all your Lordships.

Moved, "That the Bill do pass."—(*The Earl of Crewe.*)

*THE MARQUESS OF LANSDOWNE: My Lords, we quite appreciate the spirit in which the noble Earl has dealt with this question, not only during the long discussions in Committee, but also in the remarks which he has just addressed to the House. He dwelt upon the fact that during those discussions the atmospheric condition had, in his opinion, been of a favourable description. I think I can explain why that was so. Our position on this side of the House was certainly not that we approved of this Bill. We were extremely doubtful both as to the persons to whom it is intended to give relief and also as to the mode in which that relief was to be given. On the other hand, we recognised that the Bill was put forward by Ministers responsible for the government of Ireland, and it was put forward by them with the distinct statement that, in their opinion, it was a measure urgently called for, and without the passing of which they could not be responsible for the maintenance of law and order in the country.

Well, my Lords, we had to look the situation in the face. We determined that we would not oppose the Second Reading of the Bill, and we have therefore made it our endeavour in Committee not to introduce Amendments calculated in any way to wreck the Bill, but only Amendments which seem to us to be within the scope and intention of the Bill, and the adoption of which, in our opinion, was likely to improve it. The noble Earl recurred to the question of appeal. I am glad that he is still able to assure us that we shall get an appeal on the question of value, and also upon questions which will arise on what is now Clause 7 of the Bill. The noble Earl told us that in all these matters we were to look forward to obtaining a fair price for that which was surrendered. I need scarcely repeat what has been said so often, that the expression "fair price" is one which is capable of very various interpretation, and if we have shown anxiety it is because we were not convinced that at all points the Bill as introduced into the House did give either the owners or occupiers of land who were likely to be dispossessed under the Bill the prospect of obtaining a fair and honest price.

Then we have insisted strongly upon the need of extending whatever protection is given not only to owners of land but to that particular class of occupiers who come within the category of new tenants. The noble Earl said a few words with regard to the character and antecedents of these particular farmers. I was glad that he went out of his way to say that he certainly did not regard them as, I think he said, mere bravos. I prefer the position taken up by the noble Earl to that taken up by the noble Lord at the Table (Lord Eversley), who told us last night that in his opinion these planter tenants could be described as nondescripts, actuated by sordid motives and scarcely worthy of being called farmers in the proper sense of the word. Like the noble Earl, we do not want to put their character and antecedents too high, nor do we want to put them too low. What we maintain is that there are many of them who are eminently respectable farmers and who deserve protection as such, and also because they are men who, at a time of very great stress and emergency, exhibited qualities of independence and moral courage which are only too rare in certain parts of Ireland.

Then the noble Earl said two or three words in defence of the Estates Commissioners. Speaking for myself, and I think for noble Lords on this Bench, I desire to say that we have never intended in any way to impugn the character and integrity of the Estates Commissioners. I am ready to believe that they have done their duty in accordance with their own convictions, and that they have been actuated by none but perfectly honourable motives. If I have ventured to express misgivings as to the manner in which they were likely to discharge their judicial functions, it is because I cannot help believing that they are men who in connection with this question have taken up the position of strong partisans of a cause; and for that reason their judgment is scarcely likely to be as calm and as impartial as would be the judgment of the kind of tribunal to whom we are usually in the habit of referring issues as important as these.

The noble Earl referred to the fact that this question of the reinstatement of the evicted tenants was very closely connected with the whole question of purchase under the Act of 1903. Let me express my hope that, as this House has done all it could to facilitate the policy of reinstatement to which His Majesty's Government are so deeply committed, His Majesty's Government will, on their side, do all that lies in their power to facilitate the operation of the purchase clauses of the Act of 1903. To my mind, no greater blow could be struck at the prosperity and welfare of Ireland than would be struck if the feeling were to get abroad that His Majesty's Government desired to throw needless obstacles in the way of the progress of purchase, or that they were ready to recast and revise the whole of the conditions laid down after so much thought in 1903, and with so much approval both on the part of the representatives of the landlords and of the tenants. I will only add that I shall await the result of that further consideration of the question which will take place in the other House of Parliament with some anxiety, but with a feeling of hope —I will even say a feeling of confidence— that the colleagues of the noble Earl in the other House will treat the proposals that we have made in the same courteous and considerate manner which the noble Earl has exhibited throughout these debates.

On Question, Bill passed, and returned to the Commons.

EDUCATION IN WALES.

* The Marquess of SALISBURY, in the absence of the Marquess of Londonderry, rose to call attention to the recent administration of the Education Act in Wales, and to move for Papers. The noble Marquess said: My Lords, I am afraid it is my duty, even at this period of the session, to call your Lordships' attention, and especially that of the hardworked Lord President of the Council, to a very different subject from that which we have just been discussing. I have to state in the first place, on behalf of my noble friend Lord Londonderry, that he found it difficult to be in his place this afternoon, and that he has entrusted his Motion to my care. The question of the administration of the Education Acts has been under your Lordships' notice on one or two occasions during the present session, but there is no part of the United Kingdom where it exhibits features of so striking a character as in the Principality, and we have felt that we should be neglecting our duty if we allowed the session to be brought to a close without drawing attention to it.

There is, as it were, a sort of Nemesis which follows the steps of noble Lords opposite. They have to expiate many unfortunate utterances, and many, as we think, wrong-headed attitudes adopted before they came into office. We see in Ireland at the present moment Ministers who have done so little in the past to assist our efforts to maintain order driven by this inexorable Nemesis to take action in the North of Ireland; and in the matter to which I am now calling attention, having done their best to make the work of the Education Act of 1902 difficult in Wales, these Ministers are now called upon to administer it and to attack those problems which they made it so very difficult for us to solve. In 1903, the President of the Board of Trade made a remarkable speech at Brighton. In that speech he is reported to have dealt with the Education Act which had recently been passed, and to have said that he hoped one of the first things they would put into the Welsh Museum would be that Act. He said—

> "One thing which he was sure it would be very difficult to find would be a precept from a Welsh county council levying the education rate. He wished to emphasise that there were two ways in which councils might approach voluntary schools—the best was to say to the sacerdotal gentlemen who managed voluntary schools, 'We councillors are now your masters, and if you do not give us fair play we will put you on reduced diet.'"

That was the effect of the resolution he was moving at this particular meeting. He continued—

> "Did they propose to defy the Act? Not at all. They simply proposed to walk round it."

Since then Mr. Lloyd-George has become a Minister of the Crown, and a colleague of his has become Minister for Education, and they are faced with the fruit of the seed then sown. The Welsh county councils are engaged in putting Church schools on reduced diet—that is to say, depriving them of money they ought to have for the proper upkeep of the schools; they are engaged not in defying the law, but in walking round it. That is very unfortunate for these right hon. Gentlemen, but it is our duty to ask the Government of the day to say whether they will be parties to the gross injustice which is being inflicted upon non-provided schools in the principality of Wales, and to reassure us with regard to the attitude which they will adopt.

First of all, let me say a word on Merionethshire. Your Lordships will remember that the Merionethshire difficulty arose in this way, that the local education authority refused to pay the salaries which were due to the teachers of certain Merionethshire schools; there was intolerable delay, so that the unfortunate teachers ran the risk of losing all the benefit of the holiday they had earned. The managers appealed to the Department and asked them whether they would not see that the local education authority did their duty. The reply was that until the managers had themselves paid the salaries to the teachers the question of any further action on the part of the Board of Education did not arise. That was not a very brave answer, nor the kind of answer expected from a public department. The next step has been taken, and in a certain number of schools at any rate the managers have paid the salaries of the teachers and have informed the Board of Education of the fact. I put the question to the noble Earl the Lord President, What are the Board of Education now going to do? Are they prepared, now that the event has happened, which was indicated as the only event which would bring the powers of the Board of Education into play, to see that the local education authority do their duty, which is to maintain and keep efficient the Church schools in that county? What are the Board of Education going to do? Are they still going to shrink from putting into force the Default Act, which was passed in order that aggrieved persons in this respect should not be without a remedy, and which now appears the only method open to the Board of Education to secure that the local education authorities do their duty?

I pass from the treatment of the Merionethshire schools, which has been dealt with fully in another place, to a much more important subject—to the difficulties which have arisen in Swansea. It is a singular case of tyranny. In Swansea members of the Church of England and those who approve of voluntary schools are in a very small minority, and the local education authority, which belongs to the other way of thinking, has behind it an enormous majority in the district; and the case which I have to submit to your Lordships is one of gross tyranny on the part of this majority.

There are in Swansea about 4,000 children attending the voluntary schools and about 12,000 attending the council schools. That gives your Lordships some idea, I will not say of the relative proportion of the adherents to the different denominations, but the relative proportion of the adherents to the different systems of schools. But, notwithstanding that they are in a minority, the voluntary schools are very successful schools. Their accommodation is not sufficient for the children whose parents desire that they should attend them, and children have to be turned away, and that not withstanding that until recently fees were charged. They are, therefore, one would think, schools such as the governing authority ought to do all they could to maintain and help. But, on the contrary, there has been a consistent effort to obstruct their working and to crush them out of existence.

The main subjects upon which issue is joined are the buildings and the payment of teachers. There are always in these cases three parties to the controversy—the local education authority, the managers, and the Board of Education. The duty of the local education authority is to maintain and keep efficient these non-provided schools; the duty of the managers is to carry out any reasonable requirements in the matter of buildings which the local education authority may exact; the duty of the Board of Education is to determine any difficulties which may arise between the two contending parties, the managers and the local education authority, and to see that justice is done. The controversy has gone on for three years. The managers have been willing throughout that time to carry out any reasonable requirements made upon them according to law; they have been most anxious to have as good teachers as possible, that those teachers should have the salaries current in the district, and that in the matter of the agreements which should be made between the teachers and the managers they should have and should follow the guidance of the local education authority.

I am sorry to say that the desires of the local education authority have not been of the same character. They have never made reasonable requirements within the meaning of the Act at all. They demanded, blankly, that these schools, which are existing schools, should afford all the advantages which perfectly new schools give, and should be built and provided according to the rules which appertain to new schools. That was not a reasonable requirement, as everybody knows who has had experience of the working of the Education Act. As regards the teachers, they have refused to give them equal payment with their brother teachers in the council schools. They have even refused—which I think is particularly mean—to give them those increments of salary which they earn according to the number of years in which they have served the public. They have refused any guidance or assistance; they have refused to co-operate in any way whatever in making the agreements between the managers and the teachers, and the result is that throughout the years 1905 and 1906 these schools have been understaffed and the teachers underpaid and they have not had the benefit of agreements at all.

Just let me run through the history of the case as briefly as I am able. These buildings were called in question as far back as 1905 when we were in office. I cannot admit that in the exercise of their judicial, or quasi-judicial, functions the present Board has any right to dissociate itself from the decision of the Board as it existed in the previous Government. In 1905 plans were submitted and subjected to certain criticisms, and then the Board of Education wrote that, as revised, the plans appeared to meet all the objections; in other words, there was a formal approval of the plans by the Board of Education as far back as April, 1905. The plans had then to be submitted to the local education authority, but, although they had satisfied the Board of Education, they did not satisfy the Swansea Education Authority. Objection was taken, and then suddenly the question of the playground was raised. The local education authority have no right whatever to insist on a playground; their rights are defined in the Act of Parliament, and if your Lordships will refer to it you will see that the rights of the local education authority are confined to seeing that the buildings come up to the proper requirements. But, notwithstanding that, they tried to insist on certain playground space being provided, and they went so far as to declare that the playground not being adequate in their opinion, the accommodation of the school was sufficient for only half the number of children attending.

In December, 1906, the Board of Education sent their architect down to Swansea, and he reported after the present Government took office that the premises could be accepted, with slight alterations, for the full number, or, at any rate, for a number not far short of it. That was the second approval by the authorities at Whitehall of these buildings. But the local education authority did not mend its ways; it still declined to recognise the school, as it should have done, and still abstained from doing its duty by the teachers; and, finally, the managers were driven to ask for an interview from the then President of the Board of Education. That interview took place, and Mr. Birrell promised that he would decide all the points that were submitted to him as soon as he had heard the other side; but, as a matter of fact, hardly any of the points were decided. There was one point decided about the fees, and it illustrates so vividly the attitude of mind of the local education authority that I mention it to your Lordships. The President of the Board found that 40 per cent., I think, of the fees were due to the managers, but the managers could not obtain this sum of money which had been adjudged to them by the President except by issuing a writ against the local education authority, so very reluctant was this authority to do the plainest justice to these unfortunate managers.

With regard to the rest, nothing was done. It all stood over, notwithstanding the fact that the building plans had been twice approved by the authorities in London and that Mr. Birrell had said that he would decide all the points. To this day there has been no settlement of the question. Protests, correspondence, interviews of all kinds took place, until finally Mr. McKenna assumed office. Then a change took place, but not in the direction of helping the Church schools of Swansea. On the contrary, he proceeded to change the decision which the Board had hitherto given that the buildings were adequate, and he declared that the managers ought to provide 20 square feet of playground per child—a very inconsistent decision, for alongside these Church schools were other schools where no such demand was insisted upon, and it is notorious that in other parts of the country such provision of playground space is not required. The managers, in this case very persistent people, asked for another interview and they obtained it in July of this year.

But before I deal with that interview I must say a word about the history of the teachers' side of the question. As far back as the spring of 1905, the managers had explained in the fullest way to the local authority the difficulty about the teachers, how the salaries were inadequate, and how impossible it was to maintain the school under such conditions. They appealed, of course, to the Board of Education—that was in the time of Sir William Anson—and the Board, no doubt at his instance, wrote in June, 1905, to the local education authority to say that numerous representations had reached them as to the sufficiency and suitability of the staff in the non-provided schools, that they understood that a form of agreement had been decided upon for use in the Church schools and submitted to the local education authority for ratification, and that the matter remained unsettled; and the Board proceeded to call the attention of the authority to the article of the code under which such agreements are necessary, and requested that the matter might receive immediate attention.

That was in 1905, and the matter of the teachers' salaries is still unsettled. The salaries are still inadequate; still no account is taken of the proper increments according to their years of service; and there are still no agreements. When you reflect on the period during which this injustice has been perpetrated, with the permission of the Board of Education, I think noble Lords sitting in every part of the House cannot but be profoundly shocked. The same kind of efforts were made by these unfortunate managers to get the teachers' question settled as they made in the case of the buildings, but the same evasions and difficulties were placed in their way by the local education authority. At the end of July, 1906, there was a formal decision by the Board of Education, under Mr. Birrell's presidency, upon this question of the teachers. Mr. Birrell wrote—

> "The Board have received from the managers agreements duly signed by the teachers which the managers will be ready to sign and complete as soon as the local education authority will give their consent to the same. It is stated that the amount of salary paid in each case is filled in at the rate paid to teachers in the council schools in the area. The Board of Education are not aware of any circumstances which would justify a differentiation in the salaries paid to teachers in voluntary and council schools."

That must be very clear to your Lordships. As the local education authority are bound to maintain and keep efficient all schools, whether provided or non-provided, a differentiation of salary would be a great injustice. Mr. Birrell proceeded—

> "The Board feel that the present uncertainty is unjust to the teachers and is gravely imperilling the efficiency of the schools. They trust, therefore, to learn that at an early date the authority will give their consent to the agreements prepared. In view of the provisions of Article XV. of the Code the Board do not feel able to sanction the payment of the grants for

these schools until they are assured that this matter has been satisfactorily arranged."

That, as I have said, was Mr. Birrell's decision at the end of July, 1906. But nothing has been done since. The local education authority is still recalcitrant and the teachers have not yet obtained the agreements which the article in the Code says they ought to have. Though Mr. Birrell's words were very decided, I am sorry to say his courage failed him. There was a defiant answer from the local education authority declining altogether to accept Mr. Birrell's decision. Then there was a deputation to Mr. Birrell, not an open deputation, but one of those deputations which Ministers are accustomed to receive in their rooms. What happened when this deputation waited upon Mr. Birrell in his room in the House of Commons, of course, we do not know; but we know it was attended by certain Radical Members of Parliament and we observed that a change of attitude followed upon that deputation. Mr. Birrell wrote to say that, after all, the grants had only been suspended because there were difficulties between the manager and the local education authority; that they appeared to be complicated, and as their solution would take considerable time the grants would be paid meanwhile. And so Mr. Birrell, having put his foot down firmly, simply took it up again. That was in 1906.

We come now to this year. At the beginning of the year the managers became, if I may use such a phrase, dead sick of this subject, and they said they could not hold themselves any longer responsible for the efficiency of the school if they were treated in such a way. Then in March the Board told the managers they must make the agreements with the teachers even if the local education authority did not give them that guidance which they had every right to expect from them. The managers thereupon approached the local education authority and asked them once more, in the most emphatic manner, to give them this guidance, and they received an absolute refusal. At this point the National Union of Teachers intervened. That is an authority which, perhaps, Mr. McKenna would be more likely to be afraid of than any other. The National Union of Teachers said it was impossible to allow teachers to go on serving at such inadequate salaries, and they called the teachers out. A crisis therefore was produced, and the managers once more appealed to the Board.

The Marquess of Salisbury.

This brings me again to July of this year, when the final interview with Mr. McKenna took place. As I have already explained to your Lordships, he, as I think in a very unfair way, decided against the managers in the matter of the playground and in the matter of the buildings. But, as regards the teachers, do your Lordships think he really came to a decision? Not at all. He reserved once more his judgment until he had heard what the local education authority had to say, and the reply from the local education authority was that the holidays were approaching and they could not come to any decision until after the holidays. So that after all these years, and these repeated applications, the managers of the Swansea Church of England schools are left in this position: they are unable to pay their teachers proper salaries; they have no agreements with them; they have no recognition from the local education authority as to their buildings; and, though they have been treated in this way and have appealed to the Board of Education to use what is called their judicial power to decide between them and the local education authority, they have been met with every species of delay, evasion, and denial of justice, until they have no resource except to come to your Lordships' House and, in the light of public opinion, ask that justice may be done.

I wish to put one or two questions in connection with this matter to the Government. I want to ask them, in the first place, whether the Board of Education will not formally decide that the local education authority must pay the salaries, and that those salaries must be equal to the corresponding salaries in other schools in the district, and, in the event of non-compliance on the part of the local education authority, exercise their powers under the Default Act to enforce this payment. In the second place, I should like to ask the Government whether they will permit any further delay on the part of the local education authority in the performance of their duty; and, lastly, whether the Government will see that the managers are recouped for the loss of money they have sustained in the payment of the teachers. The cases of Swansea and Merionethshire in their ultimate aspect are very similar. It is a question whether or not the Government will see that the local education authority pay the teachers' salaries, and, if not, whether they will enforce that duty upon them by means of the Default Act. Your Lordships are aware that under that Act the Government have complete power to secure justice being done, because they can pay over the heads of the local education authority what is necessary to the managers direct out of the Parliamentary grant. Therefore the Board of Education and the Government cannot plead that they do not possess power. I hope I have convinced your Lordships that there is no question whatever as to the justice of the case. We ask that some assurance shall be given that the noble Earl and his colleagues will see that this injustice is no longer permited to continue. I confidently ask the noble Earl whether, before Parliament separates, he will give a reassuring answer to my questions.

Moved, "That there be laid before the House Papers relating to the recent administration of the Education Acts in Wales.—(*The Marquess of Salisbury.*)

*THE EARL OF CREWE: My Lords, the noble Marquess has dealt with this very long and complicated subject in an exceedingly clear manner, and in answering him I will endeavour not to be longer than I can help. The question is, as he has said, one of considerable complication, and I am sure the House will recognise that he dealt with it, not merely very fully, but, although he expressed his opinions strongly, with an absence of invective which I think was fortunate under the circumstances, because these questions of education, particularly in Wales, are of very considerable perplexity and difficulty, and although we may be disposed in some cases to put the blame for them on different shoulders, yet we all regret them whatever our particular opinions may be. The noble Marquess said that we were suffering a Nemesis for the various observations which had been made by different members of the Government before we came into office. I cannot agree with the noble Marquess, because from my point of view we are suffering a very unjust Nemesis for the Act of 1902; and so far as regards the general attitude of the various local authorities, who, rightly or wrongly, feel very strongly on this question, I am bound to say, without expressing at this moment any opinion on these particular cases, that they have shown a considerable measure of self-control.

The noble Marquess dealt first with the case of Merionethshire, and, as he truly said, this matter has been discussed by Question and Answer, and also, I think, by a debate raised on a Motion for adjournment, in another place at great length, and it would not be, I think, desirable to repeat what has been said there. The Merionethshire case was one which certainly aroused no little sympathy among people holding all manner of different views, because the sufferers through the action of the local education authority in that case were those whom nobody would desire should suffer—namely, the teachers in certain voluntary schools. The noble Marquess did not raise the contention which was raised in another place—namely, that the Board of Education had acted in a wrong and dilatory manner in its interpretation of what might be its duty under the Default Act of 1904. My right hon. friend stated in another place that it was not possible for him to proceed under that Act by way of anticipation, but that he could only deal under the terms of that Act with actual cases submitted to him. I am afraid I cannot add anything to what my right hon. friend said in reply to Lord Robert Cecil on the 9th instant. My right hon. friend then said—

> "I have now heard that the local education authority has intimated to the managers of several voluntary schools that if they pay salaries and send accounts to Whitehall the authority will raise no objection to the Board of Education repaying to the managers the sums recognised by the authority as due for salaries. I cannot undertake to give a guarantee to refund to the managers any salaries which may be paid by them to the teachers, as such a step would not be in accordance with the provisions of the Education (Local Authority Default) Act, 1904, but the fact that the local authority raise no

objection to such payment to the managers would certainly be taken into account by the Board of Education in coming to a conclusion whether or not it is expedient to proceed in accordance with the provisions of that Act."

So far as I know, the matter has gone no further since then.

*THE MARQUESS OF SALISBURY: Yes, it has, because certain of the teachers have been paid their salaries. The event which Mr. McKenna anticipated has happened.

*THE EARL OF CREWE: If they have been paid the fact has not been formally brought before the Board of Education, but if I am able to give any information to the noble Marquess before the close of the session on this point I will certainly do so. On this and kindred matters I am not, of course, called upon either to approve or to reprobate the action of the local authorities. Their point of view is perfectly well-known to noble Lords. They regard the Act of 1902 as a kind of charter giving an undue preference to voluntary schools, and holding that view they will not apply money raised by rates in support of those voluntary schools, although they are willing, of course, to devote the grants to that purpose, and it is because the amount received by way of grant has run short that the salaries of these particular teachers have remained unpaid. As I say, I do not consider myself called upon to state whether that kind of proceeding is reasonable or unreasonable; all that the Board of Education has to do in such a matter is to administer the law. But I certainly express my very deep regret that any teacher should have been put to personal inconvenience by action of that kind, even though the action on the part of the local education authority may be of a perfectly conscientious character.

Passing from Merionethshire to the Swansea case, the noble Marquess said one thing which I think is undoubtedly true, and which I conceive would be admitted by the local authority of Swansea itself—namely, that it has not given guidance and assistance to the managers of the voluntary schools. There, again, opinions will probably differ, according to people's point of view, as to whether the local education authority should accept the fact of an Act of Parliament such as that of 1902, and carry out its provisions, not merely with obedience, but with enthusiasm. But I have no doubt that the local authority would not quarrel with the noble Marquess's description that they have declined to guide or assist the managers of voluntary schools in Swansea. In dealing with this matter the noble Marquess did not lay any very severe blame on the Board of Education as compared with the local authority in regard to the question of buildings; but he said one thing to which I must take exception. He seemed to imply that because the administrative action of the Board of Education under the late Government had run on certain lines my right hon. friend who now holds the office is bound to continue it on the same lines. If, as a matter of fact, there had been, as there undoubtedly was, a disposition to be exceedingly lenient to the point of straining the law and straining administrative duty in the case of voluntary schools because those who were there considered it of paramount importance that those schools should be saved and preserved at all costs, I cannot admit that my right hon. friend is bound, holding the views which he does and which I hold on the question of schools, to strain the law or to strain administrative leniency in the manner which his predecessors may have thought reasonable. The whole meaning and effect of administration is that a discretion of that kind must be exercised, and all that my right hon. friend can be properly asked to do is to give fair treatment according to what is laid down by the law to voluntary schools no less than to council schools.

*THE MARQUESS OF SALISBURY: Does the noble Earl say that Mr. McKenna's administration is not in any way bound by Mr. Birrell's decisions?

*THE EARL OF CREWE: That is a matter on which I should like to have a particular case put to me.

*THE MARQUESS OF SALISBURY: I stated that Mr. Birrell's architect had approved of these buildings.

*THE EARL OF CREWE: I will deal now with the question of buildings in this particular case. These schools originally, I believe, had places for 1,300 children, but according to the revised scheme the number was to be reduced to 900. The plans for 900 children provided 7 square feet of playground for each child, the amount for a new school being fixed at 30 square feet. These, of course, were not new schools, but they were going to be practically rebuilt, and there is no doubt that in a town like Swansea 7 square feet per child is a very small allowance indeed, I think an utterly inadequate allowance. Of course, if the managers revised their plans so as to give, not 30 square feet, but 20—one-third less than the Board of Education think reasonable—any such revised plans would undoubtedly be considered.

*THE MARQUESS OF SALISBURY: Be considered! But would they be passed? We have been considering for three years.

*THE EARL OF CREWE: I am not Minister for Education, and I cannot say whether particular plans would be passed. With that I am sure the noble Marquess will agree. The noble Marquess stated the various steps in the, no doubt, extremely dilatory proceedings which have taken place in relation to the school buildings. On July 19th last the Town Council of Swansea informed the managers that the council would cease to maintain the school from July 31st unless they gave an undertaking to the council that the alterations and improvements required by the council would be proceeded with forthwith, and the managers, considering this access of promptitude hardly fair, appealed to the Board of Education. The Board then wrote to the managers in these terms—

> "In reply to your letter of July 30th, the Board of Education consider that, in view of the imminence of the summer vacation and the obvious desirability of expediting the termination of a question that has long been outstanding, it was not unreasonable on the part of the local education authority to require your managers, before the end of July, to give some undertaking that the necessary alterations and improvements would be put in hand and completed with as little delay as possible. The Board are, accordingly, of opinion that after receiving the authority's letter of July 19th the managers should not have allowed 31st July to pass without giving some such undertaking to the local education authority, even though they were not prepared to give it precisely in the form indicated in the authority's letter. The Board are the more confirmed in this view because the managers, in their letter addressed to the Board on 23rd July, made it clear that they fully accepted the decision of the President of the Board in regard to the amount of the playground space that was required, and that in accordance therewith they were prepared to submit plans without delay and proceed as soon as possible to carry out the necessary work. In these circumstances it appears to the Board desirable that the managers should at once give an explicit undertaking to the local education authority that as soon as the plans now submitted have received the necessary approval the alterations will be completed with all possible despatch."

The Board then wrote to the local education authority—

> "I am to enclose for the information of the authority copy of a letter which the Board have received from the managers and of the Board's reply thereto. The Board consider that, in all the circumstances, it would not be unreasonable for the authority to accept such an undertaking as tantamount to the conditions laid down by the authority in their letter of 19th July."

*THE MARQUESS OF SALISBURY: What reply was there to that letter?

*THE EARL OF CREWE: That letter was sent some time early in this month, and a reply has not yet been received. Therefore this particular question, is, so far, regarded as *sub judice*; but on the point of the playground space the Board of Education certainly adhere to the statement that twenty square feet per child is not unreasonable in view of the fact that the school is at any rate of the nature of a new school. The noble Marquess dwelt upon the long delay that has taken place. That I fully admit; but it obviously is due, and I have no doubt the local authority would admit it, to the view which they took of the harshness of the duties imposed upon them under the Act of 1902, and consequently they do not carry out those duties with the best grace in the world.

As regards the question of the teachers' agreements, upon which the noble Marquess dwelt at some length, though at by no means undue length, this particular dispute has, as he said, gone on for something like two years. Last summer the Board refused to pay the grant to the local authority on the ground that the teachers were not engaged under a written agreement, that being one of the conditions imposed by the Code. The local authority contended that it was the duty of the managers and not of the local authority to sign agreements, because the teachers were the servants of the managers; and the managers refused to sign any agreement unless it was countersigned by the local authority. Then the various colloquies and meetings which the noble Marquess has described took place, with the result that it came out that the legal position was, as a matter of fact, an extremely obscure one, and it was exceedingly difficult to say what the precise obligation upon the local authority was. The decision of the President of the Board of Education, after he had taken the best legal advice on the subject, was this, dated March 12th, 1907—

> "The Board of Education are advised that it is the duty of the managers of Voluntary schools to complete the agreements required by Article 15 of the Code, and that the managers are not relieved from the obligation thus imposed on them by any failure on the part of the local education authority to fix the salaries to be paid to the teachers. The managers should at once proceed to make the agreements . . . and any question hereafter arising as to the salaries thus fixed will be determined by the Board under Section 7, Subsection (3), of the Act of 1902."

Thereupon the managers thought that, in the absence of any guidance or direction on the part of the local authority, they were at liberty to sign the agreements fixing the salaries of the teachers at the same scale as were paid to similar teachers in the council schools. It must be clearly understood that the Board of Education during this time stood aside, because the case on the point of what the amount of the salaries ought to be had not come before them.

On July 2nd, the managers wrote to the Board saying that the teachers had applied to the local authority to pay the salaries as fixed in the agreements, but that they had been paid at the lower rate—the rate at which they had been previously paid; and they accordingly appealed to the Board. An interview took place between the managers and the Board of Education, and a letter was written to the local authority asking for their observations in regard to the statements of the managers that the local authority had given them no directions at all as to the rate of salaries which had been inserted in the agreements, and also with regard to the appeal of the managers generally. Although asked to send an early reply to that letter they have not done so. They merely wrote on July 10th, that the holidays would prevent a full reply to the Board's letter immediately, but that as prompt attention as possible would be given to it. The local education authority of Swansea are more fortunate than your Lordships generally in the matter of holidays, and I hope it will not be long before the Board of Education receives the reply which it is entitled to receive, in my opinion, much more promptly than will be the case in this instance. There the matter stands.

The Earl of Crewe.

The noble Marquess asked me whether the Board of Education would at once decide that the full amounts of the salaries should be paid. I am not qualified to reply to any of these questions, because they deal with matters of administration, which are in the hands of my right hon. friend; but no doubt my right hon. friend will consider whether the figure placed by the managers in the agreement is reasonable or not. If he thinks it is a reasonable figure he will say that it should be paid, but if he does not think it is a reasonable figure he will not. Obviously he will not be in a position to say that any figure which the managers chose to put into an agreement would be a reasonable one; in arriving at a decision he is obliged to be guided by the circumstances of the case.

The noble Marquess next asked how far the Board of Education would prevent delay. I am perfectly certain that the Board will do all that it can in this matter, but, of course, such a local authority as that of Swansea can exercise a certain discretion as to the time in which it replies to any letter, and as far as I know there is no administrative power to compel people to answer a letter, I do not say within any time, but within a time which may appear to some of us to be more than sufficient. Then as regards recouping the managers, that, I think, is the same question as the first, is it not? That question would not arise unless the President of the Board of Education decided that the salaries need only be paid on the lower scale and the managers had paid them on the higher. But that forms part of the first question, and I will see, as in the former case, before the session closes whether my right hon. friend is in a position to give the information for which the noble Marquess asks.

*LORD STANLEY OF ALDERLEY: My Lords, I do not wonder that the noble Marquess found it difficult to condense the history of the Swansea case. The correspondence is voluminous and spreads over a long period, and I think the noble Marquess has been quite right in not adopting the whole of the inheritance left him and moving for Papers. I think the facts he has stated, supplemented by some other facts which have not been stated, will really give the House a fair idea of what has been going on.

As the noble Marquess said, this has been a very protracted dispute. He has gone back to the year 1905, but the pourparlers were begun earlier than that. I think the noble Marquess would have stated the facts more correctly to the House if he had informed your Lordships that this has been a game of "diamond cut diamond" or "pull devil, pull baker" between the efficient secretary on behalf of the Church schools and the local education authority. It has been a pretty game of fencing between them both. The noble Marquess said the Government were having to expiate the utterances of the Ministers before they came into office, but I think the noble Earl the Lord President was more accurate when he said that they have to expiate the Act of 1902.

You cannot make attacks on the local authorities now without remembering that the former Government carried the war into the enemy's camp and raised these questions when everything that was possible was being done for denominational schools. I am not going to trouble your Lordships with illustrations, but as the noble Marquess is making an excursion into Wales and studying the educational history of the Principality, I would advise him, as giving an instance of what the Board of Education can do to thwart education, to write to the Secretary of the Denbigh Education Committee and ask for the correspondence, spread over, I think, seven years, which took place before the Denbigh authority obtained permission to make a small enlargement to a school at Glynceiriog; and I think the noble Marquess will then see that there are two sides to this question.

Now, as to the case of Swansea. Here the delay has not been entirely on the side of the local education authority. Great delay has been caused by the local managers, who have fought the local authority in every possible way. The noble Marquess complained that the managers had been called upon to rebuild the school promptly or have it taken off the list, but the managers have been fighting all this time to avoid remedying obvious structural defects. Let me give some instances. In the correspondence you will see that as long ago as April, 1905, it was admitted that the latrines of one of the schools were in an objectionable state, but it was not until July, 1906, that the Church managers contracted for new latrines, the cost of carrying out the work being £370. Here they admitted that they were insanitary, but they waited over twelve months before beginning to carry out the work.

I would refer the noble Marquess to the action of his Board of Education, if I may so call it—the late Board of Education—in regard to this matter. I agree that this duty of deciding a dispute between the local education authority and the managers as to structural improvements and repairs places the Board of Education in a judicial position. They have to decide between the two parties. Nevertheless, while the local education authority were demanding from the managers plans drawn to a certain scale, and while the managers were refusing to supply these plans, the Board of Education in the late Government went behind the back of the local education authority and proposed to send down their architect to confer with the managers and determine whether the plans were satisfactory or not. The local education authority protested. They said the Board was placed in the position of a judicial authority to act on appeal, yet they were proposing beforehand to go down, hear the case *ex parte*, and give their decision. The Board of Education sent down its architect and proposed to deal with the question of plans before it had enabled the local authority to plead before it.

I will not say anything about the Merionethshire case; that is a small matter, and it has been practically disposed of. The case brought before the House by the noble Marquess is the case of Swansea. I entirely deny the noble Marquess's interpretation of the Act of 1902; I entirely deny that the Act of 1902 imposes upon any local authority the obligation to treat the two classes of schools with equality. That Act imposes upon the local authority the duty of maintaining and keeping efficient the aided schools, and so long as they maintain and keep them efficient and the standard of maintenance and efficiency is the standard of the Code, they are quite at liberty, if they choose, to have a more lavish system of maintenance and efficiency in the case of the council schools.

THE MARQUESS OF SALISBURY: On whose authority does the noble Earl make that statement?

LORD STANLEY OF ALDERLEY: On the authority of the Act. It was attempted by Mr. Hope, Member for one of the divisions of Sheffield, when the Act of 1902 was passing through the House of Commons, to insert words on the question of equal maintenance to the effect that the local authorities should not discriminate between schools provided by themselves and schools not so provided; but Sir William Anson opposed this Amendment and said that if a local authority was disposed to act unfairly—by that he meant not equally—no words in the Bill could make them act fairly. The Amendment was thereupon withdrawn, and although, of course, I quite agree that debates in the House of Commons are not conclusive evidence of the meaning of an Act, yet I think it goes some way that an Amendment was moved to put in that obligation and that that Amendment was opposed by the Minister in charge of the Bill and withdrawn.

I repeat that the obligation on the authority is the obligation laid down in the Act—namely, to maintain and keep efficient. Many local authorities, for instance, have optional classes for woodwork and cookery, and if an authority has inherited board schools which provided woodwork and cookery centres for the children attending those schools, the fact that they do not extend that system and throw the classes open to the voluntary schools would not entitle the Board of Education to call upon the local authority to build more cookery centres or woodwork centres in order to supply accommodation for these children. Take another case. It is competent for local authorities to provide higher elementary schools, but nobody supposes for a moment that if the Church people of a town said it was hard that their children could not get the benefit of higher education without going to council schools, the Board of Education could call upon the local authority to establish a higher elementary school for Church children. In the same way, if the local education authority has staffed an aided school and that staff satisfies the requirements of the Code, the Board of Education could not say that because the authority permitted a larger allowance of certificated teachers in the council schools, therefore they must increase the number in the voluntary schools. The rights of the Board of Education are limited by the ascertainment whether the school is adequately and properly maintained.

In January, 1907, the local Church managers complained of what they call the discrimination in the matter of the teachers' salaries, but there is no obligation to put them on the same scale. Another complaint of the Swansea local managers was that not enough money was spent on cleaning; but if a school is not kept clean it is the duty of His Majesty's inspector to say he found the school dirty, and, if it were necessary to go so far, a deduction of 10 per cent. could be made from the grant. But what an infinite labour would be thrown on the Board of Education if they had to consider all these questions? Further, if you are going to give the local authority no discretion as to its expenditure while you admit that it is maintaining the school efficiently, you will do away with the provisions of Section 7 of the Education Act.

The noble Marquess laid stress on the delay of the local authority, but I would point out that this has been a fencing match, with the local managers trying to implicate the authority in some written undertaking whereby they would become responsible for more liberal salaries. But the local education authorities have said: "We will do nothing of the kind. You are the employers of these teachers and we will not sign any agreement with them." Swansea does not stand alone in this respect, for the London County Countil have never undertaken to countersign agreements with managers. When this Act passed there were two sets of agreements sent out for ratification—one by the National Society and the other by the National Union of Teachers; and my recollection is that the agreement sent out by the National Society distinctly recommended that the local authority should be kept out from signing the agreements, as such action would undermine the absolute and independent authority, as employers, of the managers. In criticising the Swansea local authority, it should be remembered that they were engaged in a conflict—both sides were at arm's length, and determined not to give the other side the slightest advantage.

As to the agreements and the delay in connection therewith, it is interesting to note that, though the Board of Education time after time told the managers that, whether the local authority gave them any guidance or not, it was their duty to sign the agreements, they did not sign them till June, some months after the order to sign. It is complained that the Swansea local authority have gone away for their holidays, but it is only fair to point out that when the managers asked for this interview, to which the noble Marquess has referred, with Mr. McKenna, their letter was dated 3rd June. They received a prompt reply from the Board of Education on 6th June, granting them an interview for 14th June. But the Board of Education heard nothing further until 26th June, when the managers said it would not suit them to come up till the week ending 20th July. All these things hang together, and conclusively show that the delay has been by no means confined to one side. These people knew when the Swansea local authority would adjourn for the summer recess; they ran matters up to the adjournment and now pose as if the delay was due to the local education authority. The local authority had been evaded and put off time after time, and at last they put their foot down and said that unless they got an assurance that the school would be rebuilt within a certain time they would withdraw the grant. The school has really to be rebuilt, and the local education authority would be doing a great wrong in sanctioning such an inadequate number of square feet per child for playground space as that proposed. It should be remembered that there are no places where playgrounds are more needed for children than in our great manufacturing towns. I congratulate the noble Marquess on his first exploration into the controversy of Welsh education. I hope he will pursue his studies, and I am confident that if he does he will find that he will also have to raise debates against his own side.

*THE MARQUESS OF SALISBURY: My Lords, the noble Lord who has just sat down invited me to further investigate the Welsh education question. I would recommend him, in reply, to study more closely the pages of *Hansard* before he tries to convict me and my friends of inconsistency in our description of what the Act of 1902 provides. The noble Lord says that during the passage of that Act an hon. friend of mine in the House of Commons proposed that there should be inserted words preventing discrimination, and that that was resisted by our Government on the ground that the words would be useless. But if the noble Lord had read further he would have found that the Attorney-General, perhaps even a greater authority than my hon. friend on a matter of law, said that the words were quite unnecessary, as the Bill already contained a provision securing that object.

*LORD STANLEY OF ALDERLEY: But I prefer to take the opinion of Sir William Anson, who was in charge of the Bill.

*THE MARQUESS OF SALISBURY: The noble Lord evidently prefers Sir William Anson's opinion to Mr. Birrell's, for Mr. Birrell said that—

> "The Board of Education are not aware of any circumstances which would justify a differentiation in the salaries paid to teachers in voluntary and council schools."

*LORD STANLEY OF ALDERLEY: But Mr. Birrell ran away from that opinion very soon afterwards.

*THE MARQUESS OF SALISBURY: Mr. Birrell did not run away from his opinion; he stuck to his opinion, but he ran away from enforcing it.

*THE EARL OF CREWE: Mr. Birrell was referring to voluntary schools as such; to voluntary schools as a class.

*THE MARQUESS OF SALISBURY: Mr. Birrell was writing in respect of this particular controversy and directly on this point; and there is not a man in this House who does not know perfectly well that when the Act of 1902 said that it was the duty of the local education authority to maintain and keep efficient all these schools, what was contemplated and recognised was that the status of the voluntary schools, which was lower in point of salaries than that of board schools, should be raised. The point does not rest there, because, without raising the salaries; it is quite impossible to maintain and keep efficient these schools. Why? Because the teachers will not serve. The noble Lord forgets that the National Union of Teachers had called these teachers out, so that positively the school, unless the salaries are raised, will be left without teachers, and the noble Lord cannot possibly contend that a school without teachers is efficient. The case is not arguable. It is the duty of the local education authority to pay the full salaries in justice to the teachers and to the efficiency of the school, and the obligation rests upon the Board of Education to see that the local education committee do their duty; and I am sorry that either of the noble Lords who have spoken should have attempted to get out of that obvious obligation. However, it is a matter of some satisfaction that we should have had from the Lord President the assurance that if it could be shown that the salaries proposed by the managers were reasonable his right hon. friend would see that they were paid. I take it from him as a pledge on behalf of the Government that if, in his judicial capacity, Mr. McKenna arrives at the conclusion that the salaries are reasonable he will see that they are paid. That is a very important matter, and I thank the noble Earl for the assurance. Having great confidence in the fairness of the noble Earl, I cannot believe that further delay will be allowed in according justice in this case.

Motion, by leave, withdrawn.

PRISONS (IRELAND) BILL.

Read 3ª (according to Order), and passed.

SMALL HOLDINGS AND ALLOTMENTS BILL.

Brought from the Commons and read 1ª; to be printed; and to be read 2ª on Monday next; (The Earl Carrington.) (No. 181).

House adjourned at half-past Seven o'clock, to Monday next, a quarter past Four o'clock.

HOUSE OF COMMONS.

Friday, 16th August, 1907.

The House met at Twelve noon of the Clock.

ADJOURNMENT.

Resolved, That this House, at its rising this day, do adjourn till Monday next.—(*Mr. Whitley.*)

PRIVATE BILL BUSINESS.

North Staffordshire Railway Bill. Lords Amendments considered, and agreed to.

Inverness Royal Academy Order Confirmation Bill. Considered; to be read the third time upon Tuesday next.

Aberdeen Harbour Order Confirmation Bill [Lords] (by Order). Considered; to be read the third time upon Tuesday next.

RETURNS, REPORTS, ETC.

BOARD OF AGRICULTURE AND FISHERIES.

Copy presented, of Report on the Second International Dairy Congress held at Paris in October, 1905, including a detailed account of the Proceedings relating to International Co-operation for the Prevention of Butter Adulteration; with an Appendix [by Command]; to lie upon the Table.

BOARD OF TRADE (LABOUR DEPARTMENT).

Copy presented, of Eleventh Abstract of Labour Statistics of the United Kingdom, 1905–6 [by Command]; to lie upon the Table.

STATISTICAL ABSTRACT (UNITED KINGDOM).

Copy presented, of Statistical Abstract for the United Kingdom, in each of the last fifteen years, from 1892 to 1906. Fifty-fourth number [by Command]; to lie upon the Table.

IRISH LAND ACT, 1903.

Copy presented, of Report of the Estates Commissioners for the year ending 31st March, 1907, and for the period from 1st November, 1903, to 31st March, 1907 [by Command]; to lie upon the Table.

PUBLIC WORKS (IRELAND).

Copy presented, of Seventy-fifth Annual Report of the Commissioners of Public Works in Ireland, with Appendices, for the year ending 31st March, 1907 [by Command]; to lie upon the Table.

TRADE REPORTS (ANNUAL SERIES).

Copies presented, of Diplomatic and Consular Reports, Annual Series, Nos. 3901 and 3902 [by Command]; to lie upon the Table.

HOUSING OF NAVVIES (BROOKLANDS MOTOR TRACK).

Copy presented, of Dr. Reginald Farrar's Report to the Local Government Board on the accommodation of Navvies engaged in the construction of the Brooklands Motor-racing Track, near Weybridge, etc. [by Command]; to lie upon the Table.

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Suggested Reduction of Patent Fees.

MR. BARNES (Glasgow, Blackfriars): To ask the President of the Board of Trade if he is aware that the Patent Office fees yield a profit of nearly 100 per cent. over the cost of maintenance, and that the American Patent Office issue patent protection for seventeen years for fees less than those charged by the British office for fourteen years protection; and, having regard to all the circumstances, will he bring about a reduction of fees in this country in the interest of poor inventors.

(*Answered by Mr. Lloyd-George.*) I am aware that of late years the Patent Office fees have yielded a considerable profit; but at the present time, whilst the office expenses are rapidly increasing and new duties are being thrown on the office by the Patents and Designs Bill, I can give no undertaking to reduce them, nor do I believe that it would be to the interest of poor inventors to substitute for our present fees those chargeable in the United States, which would benefit the comparatively small number of successsful inventors at the expense of the much larger number of unsuccessful inventors, who can less afford to pay. The following statement shows the comparative cost of patents in the United Kingdom and United States respectively—

Patent Fees in United Kingdom and United States.

United Kingdom.		*United States.*	
Fee on application accompanied with provisional specification .	£1	Preliminary fee - - - -	£3
Fee on filing complete specification .	£3		
Fee on sealing - - - -	£1	Fee on allowance of patent - -	£4
Fee for renewal at end of 4th year	£5	No fees are levied subsequent to the above.	
And further renewal fees increasing by £1 annually to £14 at the end of the 13th year. - -			

Note.—Every United States patent remains in force for seventeen years. Of British patents over 65 per cent. are allowed to expire at the end of the fourth year, presumably because the patented invention has not proved a success. On these, therefore, the fees paid amount to £5 only, as compared with £7 in the United States. In regard to the additional £5 charged in the United Kingdom for patents renewed at the end of four years, it may safely be assumed that only such patents will be renewed as have met with some measure of success, in which case the fee is a comparatively unimportant matter to the patentee. Only 4 per cent. of British patents remain in force for the full term of fourteen years.

Gratuity of Michael Shea, Postmaster at Bonane.

MR. BOLAND (Kerry, S.): To ask the Postmaster-General whether he is aware that Michael Shea, of Kenmare, who has been for twenty four and-a-half years in the service of the Post Office for ten years as sub-postmaster at Bonane, county Kerry, and for eleven years as an established postman, has been given the sum of £25 as a compassionate gratuity; and whether steps will be taken to give him an increased amount as a reward for services rendered during this long period.

(*Answered by Mr. Sydney Buxton.*) As I informed the hon. Member in a letter dated the 12th instant, Michael Shea, who was an unestablished, and not an established, postman at Kenmare, was not eligible for an award under the Superannuation Acts on his retirement, but a grant of £25 was made to him from a special fund at my disposal for the benefit of certain unestablished officers. I regret that it is not in my power to make any addition to the amount already awarded.

Government Grant to Hartley University College.

LIEUTENANT-COLONEL PHILIPPS (Southampton): To ask Mr. Chancellor of the Exchequer whether he is aware that in the Report on the Hartley University College, of Southampton, it is stated that the college is taking a much more prominent, it might fairly be called a predominant, part in the orginsation of teaching in Southampton and the surrounding districts, and that the number of students in regular attendance has nearly doubled in the last few years, and that in spite of this progress the permanent Advisory Committee recommend that the Government grant should be reduced from £3,400 to £2,250; and whether he will consider the necessity, if a check is not to be put to the good work of the college, of making the grant the same as in previous years.

(*Answered by Mr. Asquith.*) I would refer my hon. and gallant friend to the 19th paragraph of the Report of the Advisory Committee, which explains the reasons for the reduction in question. I am afraid that I can see no grounds for departing from the decision which has been arrived at.

Customs Bonded Warehouse Accounts.

MR. SLOAN (Belfast, S.): To ask the Secretary to the Treasury what are the functions of the Customs Statistical Office with regard to warehouse accounts of bonded goods, the total number of clerks, assistant clerks, etc., employed in performing these functions, and the annual cost.

(*Answered by Mr. Runciman.*) The functions of the Customs Statistical Office with regard to warehouse accounts of bonded goods are, by the application of certain carefully devised but purely mechanical checks and cross checks, to secure that the books kept locally at the Customs warehouses throughout the United Kingdom correctly represent the stocks of bonded goods in those warehouses. The total number of clerks, assistant clerks, and boy clerks, etc., employed at the present time in performing these functions is eighty and the mean annual cost for salaries is £9,300.

Irish Surveyor's Department—Outdoor Staff.

MR. SLOAN: To ask the Postmaster-General of how many members does the outdoor staff of the surveyors' department in Ireland generally consist, and their designation; what is the amount of the per diem allowance granted to each officer, as also to the surveyor in respect of subsistence allowance; are they entitled to free locomotion; if so, what is the grade of the respective classes they are entitled to travel; what is the basis upon which these allowances were fixed, and when did a revision of them last take place; whether there is any restraint, and by whom exercised, in respect of the unnecessary incurring of such expenses as are now allowed on the part of the officers referred to.

(*Answered by Mr. Sydney Buxton.*) The outdoor staff of the surveyors' department in Ireland consists of three surveyors, three assistant surveyors of the first class, and nine of the second class, with three inspecting telegraphists. The subsistence allowance granted to the surveyors is at the rate of 20s. a day, to the assistant surveyors at the rate of 15s. a day, and to the inspecting telegraphists at the rate of 10s. a day, in addition to the cost of locomotion. First-class fare is allowed to surveyors and assistant surveyors, and second-class fare (or third on railways which provide no second class) to inspecting telegraphists. The allowances of surveyors and assistant surveyors were fixed in the year 1854, and those of inspecting telegraphists in the year 1893. The travelling accounts of all offices in the Post Office are checked and scrutinised in detail before payment is made, and any unnecessary claims are disallowed.

Work in Strabane Post Office.

MR. SLOAN: To ask the Postmaster-General, with reference to the administration of the Strabane post office, whether he is aware that daily between the hours of 2.45 a.m. and 5 a.m. the heaviest incoming and despatch of mails and parcels in the twenty-four hours takes place; that the former consists generally of seven large bags, which, on the occasion of the arrival of the American mails, is increased to nine bags, and twelve parcels baskets, whilst the despatch between these hours amounts to thirty-two bags and, on an average, about twelve parcels baskets, whilst to cope with this volume of work a staff of four telegraphists is provided; that not infrequently a junior telegraphist, assisted by two season substitutes and a learner, have been listed to dispose of the work without the aid of a senior officer; that a senior official is not due on duty earlier than 8 a.m.; whether, if the surveyor of the district is responsible for the proper distribution of the staff of an office, he can explain under what circumstances, during the period within which the greatest pressure of mails takes place, it is without the service of a senior and responsible officer; and, in addition to the postmaster, how many of the latter are attached to the Strabane office and to what period are their hours of attendance confined.

(*Answered by Mr. Sydney Buxton.*) I am having inquiry made on the subject, and will furnish the hon. Member with a reply as soon as possible.

Navy—the Submarine Service.

SIR JOHN BENN (Devonport): To ask the Secretary to the Admiralty whether he is aware that under the new scheme men have to rejoin the general service after completing five years in the submarine service, an arrangement which is unfair to ratings who are now serving, as it was verbally understood that they were to remain in the submarine service as long as they were medically fit and otherwise desirable; whether he recognises that by this new scheme these ratings suffer disadvantage and loss, and that many petty officers would have preferred passing for warrant rank had they but known they would have thus to revert after five years service in submarines, and that it has affected their insurance policies; and whether, in view of these facts, he will arrange that the new scheme shall only affect ratings joining after the date on which it comes into vogue, 14th May, 1907.

(*Answered by Mr. Lambert.*) The Answer to the first Question is in the affirmative, but the Admiralty are not aware of the verbal understanding referred to. It is recognised that the men will cease to draw the special rate of submarine pay on rejoining the general service. As previously stated, the Admiralty are not aware of anything which would lead the petty officers in question to suppose that they would be permanently retained in the submarine service. The recent orders as to submarine service were issued after careful consideration of the whole question by a Committee and subsequently by the Board, and it is not intended to reverse the decision arrived at.

The Home Fleet.

Mr. GRETTON (Rutland): To ask the Secretary to the Admiralty to what classes the forty-nine vessels of the Home Fleet belong which did not assemble at Cowes and proceed to sea after the recent inspection in the Solent; what was the reason of their absence on that occasion, and why the four vessels which were present at the inspection did not afterwards proceed to sea.

(*Answered by Mr. Lambert.*) Of the forty-nine vessels, twenty-two were special service vessels, two battleships, six cruisers and nineteen destroyers. The main reason for the absence of the battleships, cruisers, and destroyers was that their ordinary repairs should not be interfered with. After the inspection two vessels were required for attendance on His Majesty the King, one proceeded to port to test gun sights, one was a mine layer and would not have benefited from the exercises at sea.

Killadeas National School.

Mr. FETHERSTONHAUGH (Fermanagh, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that the National School at Killadeas, county Fermanagh, is very inconveniently situated, is at present in a ruinous and insanitary state, condemned by the Commissioners, and that it is intended to build a new school on a more convenient site; that, owing to the place and condition of the school, the attendance has fallen off and was very low in 1906; that a much better attendance will certainly result from the improved site and building, but the Commissioners will not make a grant, even for as large a school as the old one, but insist on a much smaller building, calculating on the shrunken attendance roll of 1906, though the manager, who has known the school and district for several years, is desirous that the school should be as large as the old one, and anticipates its being fully attended; and whether he proposes to take any action in the matter.

(*Answered by Mr. Birrell.*) The Commissioners of National Education are aware that the existing accommodation at Killadeas national school is unsatisfactory, and they have regarded the manager's application for a grant towards the erection of a new school house as coming under the class of urgent cases, which may be taken up without waiting for the issue of the standard plans. The official records since 1900 do not show that the attendance has fallen off or that it was very low in 1906. The following are the averages of attendance for the last seven years: 1900, 31; 1901, 29; 1902, 30; 1903, 29; 1904, 26; 1905, 28; and 1906, 33. The new school house, which the Commissioners have provisionally sanctioned, is the largest admissible under the regulations that now determine the accommodation to be provided in new vested national school houses. The averages of pupils on the rolls and in attendance, upon which were based the calculations for the new building, were those for 1906, and were the largest for any year since 1900. According to present standard the old house affords floor space accommodation 50 per cent. in excess of that which is required for the attendance, and its size is no criterion by which to determine the dimensions of the new house, towards the cost of erecting which State aid may be given.

Sale of Barracks.

MR. BELLAIRS (Lynn Regis): To ask the Secretary of State for War whether any revised estimate has been made of the amount of £500,000 credited to the last Military Works Bill for the sale of barracks; and whether he can state how many barracks have been completed since 1895 which are now for sale, have been sold, or which are now empty owing to the War Office having no immediate use for them.

(*Answered by Mr. Secretary Haldane.*) The amount credited to the loan to date for the sale of barracks is £51,761. It is not proposed to take any further credits to the loan under this head. The following barracks completed since 1895 are now for sale—

Barberton, South Africa.
Jamestown, St. Helena.
West Point, Esquimalt.
Various barracks at the Morne and Vigie, St. Lucia.

The following barracks completed since 1895 have been sold—

Pietersburg, Transvaal.

The following barracks completed since 1895 are now empty—

Mauritius (iron huts), for native troops.

Trincomalie, for native troops.

In some of the above-mentioned cases negotiations are now in progress for the transfer of the buildings to the Colonial Governments under the recognised conditions in such cases.

Pay of Labourers in Devonport Gun Wharf.

SIR JOHN BENN: To ask the Secretary of State for War whether he is aware that the eighteen men employed in the workshops of the Army Ordnance Department, His Majesty's Gun Wharf, Devonport, are not now granted the extra 1s. per week which has been given to the labourers; that these men, before the advance, were in receipt of 22s. 6d. per week, that included 6d. per day allowed them for skilled work; and that the extra 1s. which was paid to them for a few weeks has been withdrawn by the deduction of 2d. per day from the 6d. for skilled work, leaving them only 22s. 6d. as before; and whether, seeing that men employed in the dockyard on similar work are receiving from 24s. to 27s. per week, he will favourably consider restoring to these eighteen men the advance in wages recently granted to their comrades.

(*Answered by Mr. Secretary Haldane.*) As I have already explained to the House on 3rd June, the wages paid to the men doing the work in question remain unchanged, and, on the information now in my possession, I do not consider them inadequate for the work which the men have to perform.

MESSAGE FROM THE LORDS.

That they have agreed to:—Vaccination Bill, with an Amendment; Criminal Appeal Bill; Lights on Vehicles Bill; Evicted Tenants (Ireland) Bill; Barry Railway Bill; Metropolitan Water Board (Various Powers) Bill; Alexandra (Newport and South Wales) Docks and Railway (Additional Capital, etc.) Bill, with Amendments.

Amendments to:—Colne Valley Water Bill [Lords]; Glasgow Corporation Bill [Lords], without Amendment.

CRIMINAL APPEAL BILL.

Lords Amendments to be considered upon Monday next, and to be printed. [Bill 326.]

LIGHTS ON VEHICLES BILL.

Lords Amendments to be considered upon Monday next, and to be printed [Bill 325.]

EVICTED TENANTS (IRELAND) BILL.

Lords Amendments to be considered upon Monday next, and to be printed. [Bill 327.]

VACCINATION BILL.

Lords Amendments to be considered upon Monday next, and to be printed. [Bill 328.]

SMALL HOLDINGS AND ALLOTMENTS BILL.

Order for the Third Reading read. (King's consent and Prince of Wales' consent signified).

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. JESSE COLLINGS (Birmingham, Bordesley) said he did not expect hon. Members opposite to say much about this Bill, nor did he think a great deal of time was necessary to discuss the Third Reading. He did not, however, think it ought to be allowed to pass without a few remarks. The Bill had his best wishes, and he believed its object was supported in all quarters of the House. Although in his opinion it proceeded on wrong lines, he for one was ready to support any measure which held out any hope of bringing ever so few men back to the land. He did not think this measure would accomplish that, and he understood its object was more to keep those on the land who were there at the present time. In his view this expensive, elaborate, widespread, and unnecessary machinery for accomplishing the object the Government had in view would have very little effect in keeping men on the land, because there were very few of them left. If they deducted the very young men and those who were only waiting opportunities to leave the land, as well as the old people, they would find a very small number available for land cultivation, and that number was diminishing every day. He did not think there was a very good field for the operation of such a limited measure as this. Now that they had got before the House of Commons a concrete measure of this kind he hoped hon. Members would not continue to delude the average audience on public platforms with statements which had been so perpetually made to the effect that this Bill was going to give anything like security of tenure and rent. That was the sweet Mesopotamia that was invariably used in all rural meetings. They asked the agricultural labourers, "Would you not rather have a tenancy with security of tenure?" [An HON. MEMBER: Hear, hear.] He hoped the hon. Member who said "hear, hear" and other hon. Members opposite would tell their audiences frankly what the right hon. Gentleman in charge of this measure had stated, that it gave neither security of rent nor security of tenure. It was their duty to tell the people that this Bill secured for them neither of these two advantages. In fact, it passed the wit of man to give security of rent and tenure by any other principle except that of ownership. He did not think the Bill could be considered in any shape or form as a settlement of the question. He valued the Bill more because it showed that they had now a responsible Government who had been able to put in a definite shape their views as to the basis on which the question should be settled. He had never made this a Party question, and he believed that if many of the followers of the Government could have had their own way they would have had quite a different Bill from the one they were now discussing. This was not a Party question, although it was a political question of the highest moment attaching the old meaning to the word, namely, that which affected the general welfare of the nation. The Bill raised a clear issue. On the one hand there was opposition on the part of the Government to all forms of ownership. He could understand the opposition of his right hon. friend to the Act of 1902, because its operation was a practical refutation of everything he had advanced in favour of this Bill. The right hon. Gentleman promised either in his speech upon the introduction or on the Second Reading of this Bill that the Act of 1902 should not be interfered with, but it was being interfered with in very important respects. There was a clause which, unfortunately, still remained, which, in its operation, would go far, on the Catshill Estate for instance, to extinguish the ownership when a man died and turn it into a tenancy, and that system would gradually extinguish the holdings at Catshill. There was another clause introduced in this Bill, very innocent in its appearance; he alluded to the alteration in the definition of a small holding. What would be the effect of that? Small holdings were of two sorts. There was the small holder who cultivated the ordinary farm crops, and to him a holding of less than twenty to fifty acres would be of no use. Then there was the small holder who went in for intensive cultivation, such as asparagus, celery, and a variety of other things. To him two, three, four, or five acres was quite as much as he could attend to. In his bringing up they had four acres of land, and although the family was large it was not large enough for intensive cultivation, and consequently they had to put down one or two acres in farm crops, so as to diminish the labour. What would have been the effect of that clause? In that marvellously prosperous colony at Catshill two-thirds of them had not got holdings above five or six acres. Of course, they would not be wiped out under this Bill, but it would make impossible any further extension of that scheme. During the last three or four months the Worcestershire County Council had bought another small estate and sold it to willing buyers, who were tumbling over each other to get possession of the land. If this clause had been carried that operation would not have been possible. Fortunately when the effect of that clause was pointed out even the right hon. Gentleman's own followers rebelled and the clause was defeated by a narrow majority. He was glad to see that the right hon. Gentleman had been loyal to that decision. That incident showed the determined hostility to anything which imposed ownership of any kind. So far they had a clear issue, and that was why he valued this Bill. They had before them the policy of the Government, which was tenancy and tenancy alone. The opposite policy was the creation of a peasant proprietary, removing the bar of poverty and advancing the money to be repayable by instalments. The counterpart of the opposite policy was to create a yeoman proprietary in England by the aid of the State, men who should become owners of their own parcels. That was the issue before the country. He knew there would be a discussion throughout the country upon this question, and he could promise the right hon. Gentleman that that would be the case. They already possessed the machinery to accomplish this. [AN HON. MEMBER: The Tariff Reform League?] No, not the Tariff Reform League, but the Rural Labourers Association, who were carrying on their operations in all the villages, although their proceedings were not considered sufficiently important to publish in the newspapers. They had, however, a great influence upon elections. Where they had one agent now he hoped they would soon have a dozen, because they would have to take up these two land Bills and decide upon them. It rested with the rural people to decide whether they would have a Bill for the creation of a peasant proprietary, or this Bill, which declared that under no circumstance could they ever possess a single inch of the land they tilled. That was the issue. Had hon. Members opposite any doubt as to what would be the issue of that contest? [AN HON. MEMBER: None whatever.] Well, perhaps the Government had some little doubt. The only explanation he could give for the policy which the Government had adopted was that the hon. Members below the gangway—and quite rightly from their point of view—the Socialist Party, had captured the Government. He agreed with the very striking words used by Lord Rosebery, in which he said—

> "I believe this to be an affair not of the landlords or of the tenants, but of the State. It is an imperial affair, and a matter of great concern to the people."

The Prime Minister, besides being full of kindness and human nature, was an ardent politician. Whether it were at the Holborn Restaurant, or receiving deputations on any question, he was always ready with his sympathy. He was the exemplification of the American humorist who described a politician as a man who said—

"Now then, tell me what you want;
I am ready to supply you.
With me there's neither 'won't' nor 'can't';
There's nothing I deny you."

As for the followers of the Prime Minister,

"A merciful providence fashioned them hollow
That they might the better their principles swallow."

In the centres of industry there were tens and hundreds of thousands who had themselves come from the land or were the sons of those who had migrated. They were the real country families. The rich men who emblazoned their arms on the carriage doors and bought some ancestors were mere mushrooms compared with the great class of peasantry which he was thankful to say still existed, although not on the land, and many of them at this moment had healthy traditions of the soil. In his early years he would have given anything to have gone back to be the owner of twenty or thirty acres of land, and there were thousands of people of the same opinion; he had proof of this from all quarters, from men working in mines and factories, and in the large towns. He thought they ought to be thankful that this was so, for the sake of the stability of the nation. They had not under their present land system succeeded in stamping out the peasant proprietor, and whenever he was stamped out it would mean the decay of the nation. He had made a calculation that if they took the land of England and Wales, and deducted the permanent grass land and that which was unsuitable for the plough, there remained at least 10,000,000 acres of what was described in the official returns as grass land. The bulk of it had never been seeded down. He was over a district some years ago in Wiltshire where the produce of the land was not worth a shilling an acre, and it was dear at the price. It was nearly all couch grass and other rubbish. That was a great national loss. There were 10,000,000 acres at least available, and there were any number of men who could be employed in the cultivation of the land. What was wanted was a scheme by which the men and the land could be brought together, but this Bill did not furnish the means. There was room for 1,000,000 inhabitants on the available land. The labour provided would not be like that which was wanted by the men who hustled each other for jobs at the dock gates like fowls in a farmyard trying to get a share of the same worm. If the men were enabled to work on the land, they could supply some of the smaller articles of food which we imported from foreign countries. Catshill supplied £50,000 worth of such articles every year, and if there were a hundred of such places, we should be able to supply much of what we now obtained from abroad. The result would be that the community would have increased labour in every direction. He laid down as an axiom that money was not the wealth of the country; it was the producing power of the country which gave it safety in time of stress. Here we had a market at our doors and we did not avail ourselves of it. What would be said of a manufacturer who had abundance of orders for goods and materials on the ground, while men were looking in at the gates for work, if, through some foolish refusal to adapt his machinery to the requirements, he allowed the orders to be sent to foreign countries? That was the position we were in with regard to the reform of our land system. This Bill did not touch the fringe of the reform. Small ownerships would fulfil every condition. The policy which he advocated was justified by the practical experience of other nations, and by the experience of this country wherever it had been tried. This Bill was absolutely parochial in its character. It dealt only with the idea of benefiting the labourer. The benefit of the labourer was a valuable incident in any scheme, but it was only an incident. The object was a national one. Land reform should be for the benefit of the whole country. Any Bill which was to be effective should have regard to the health and stability of the whole country. This Bill did not. The evidence given before the Committee on Physical Deterioration was interesting in this connection. A leading professor of midwifery stated that 85 per cent of children were born physically healthy, whatever the conditions of the parents might have been. Dr. Cunningham, professor of anatomy in Edinburgh, stated that to restore the class in which inferiority existed to the mean standard of the national physique all that was required was to improve the conditions of living, and in one or two generations the ground that had been lost would be recovered. The witness went on to say that he did not think it would be possible even under the very best forms of town life to produce conditions the poor could live under which would equal those of the country. Shortly afterwards a meeting of the Physical Regeneration Society was held, and the president stated that among the very first causes of degeneration might be placed the gradual withdrawal of the peasantry from the country and their aggregation in the towns. It was comforting to think that physical deterioration was not permanent. If the people were got back on the land they would recover the sturdy health and physical power which belonged to the peasant race in the olden times. What was required for restoring the physical conditions of the race would not be provided by such a Bill as this. The measure only scratched the surface of the question. There were now before the country two policies. The question was whether our land system should be based on ownership, tenancies being incidental; or whether it should be based on tenancy, overlordship being a mere incident, if it existed at all. That would be the paramount question in every rural election. It was a question which the people concerned would have to settle. He had held for twenty-five years that the principle of ownership was that on which this question should be settled. He had never lost faith in it, and with regard to the ultimate sucess of it he was more confident now than ever.

*THE TREASURER OF THE HOUSEHOLD (Sir EDWARD STRACHEY, Somersetshire, S.) said the right hon. Gentleman the Member for the Bordesley Division had stated that one great blot on the Bill was that it went on the principle of refusing ownership. It did nothing of the kind; it gave an opportunity both for ownership and hiring, and very rightly so. The right hon. Gentleman was perfectly well aware that, for one man who was desirous of buying land there were dozens who desired only to rent it. The statement made by the right hon. Gentleman that the Bill did not provide for ownership was one that required to be repudiated at the first possible moment. The Government were anxious to promote ownership, and by this Bill they gave facilities which were not given by the Act of 1892. The right hon. Gentleman's one idea was ownership, but this was not a one-idea Bill. The object of the measure was to give facilities to working men for acquiring land by purchase or by hiring. All his life had been passed on the land, and he knew perfectly well that the agricultural labourer, as a rule, was not capable of paying for land as well as stocking. Men who hired twenty or fifty acres had the advantage of the help of their families, which help would not be of any use on an acre or two which they might have purchased. The right hon. Gentleman talked as if the land which had been reacquired by the local authority could not be re-sold. As a matter of fact it could be resold if the county council found that it was not being put to the purpose for which it was acquired. There was no occasion for saying that the Bill would prevent such land being used for its original purpose. The right hon. Gentleman hoped that both political Parties would not make political capital out of this land question, and that there would be an honest attempt only to work the Bill in the interests of the agricultural labourers. He entirely agreed with the right hon. Gentleman, but if that was his attitude he would ask him what he thought of some of his political friends and associates, like the Duke of Rutland, who were going up and down the country saying that this was a "faked" Bill intended only to serve the interests of one political party in the country? If that kind of language was to be used by the leaders of the Conservative Party, what would happen would be to create a political agitation in the country. It was not necessary to go into the details of the Bill at any length. The measure had passed through the Committee and Report stages substantially unamended. The object of the Bill was the same as that of 1892, but there was a great difference between the two as regarded the machinery. The Act of 1892 as an operative Act was practically a dead letter—due to the inefficiency and insufficiency of its machinery. The great advance on the present Bill was compulsory hiring, which was absent from the Act of 1892. Then in the Act of 1892 the whole machinery for putting the Bill in operation was left to the county council, and they knew with what result. The present Bill in its very first clause made the most important provision of setting up Small Holdings Commissioners. What was the duty of those Commissioners? A good deal of wild talk against the Bill was that it created Commissioners who were to be sent on a roving commission to manufacture a demand for small holdings all over the country; and that they would bully and coerce the county councils. He thought it had been made pretty clear that these Commissioners would do nothing of the sort. They would be the servants of the Board of Agriculture and of Parliament. It would be their duty to go throughout the country to make reports to the Board of Agriculture and act as intermediaries between those who desired small holdings and allotments either by purchase or hiring and the county councils or other local authorities. They had been told that the Board of Agriculture through the Small Holdings Commissioners would coerce the county councils. He did not believe that any coercion would be required. Undoubtedly, if necessary, the Board of Agriculture would put in force the provisions under the Act, but the Agricultural Commissioners would have nothing to do with that. It was argued that the county councils ought not to be coerced even if they refused to act, on the ground that they were elected on a wider basis than Members of this House. But hon. Gentlemen who made that statement and who expressed so much righteous indignation about coercing popularly elected bodies forgot that though the basis of the election of county councils was wider, their constitution was not so representative, because one-fourth of their number were not popularly elected but were co-opted members, often rejected candidates at the previous election. It was an ordinary occurrence in some counties for the candidates who were rejected by the votes of electors to be co-opted as aldermen. He knew of cases where the majority of the elected members were outvoted by the minority of the elected members, with the assistance of the aldermanic members. Therefore it was necessary that there should be a power above the county councils if the Bill was to be made really operative, and to ensure the will of the electors prevailing. It might be that the opposition to the Bill would mainly come from the aldermanic members of the county councils. There were in his opinion few men who would not say that the Board of Agriculture ought to have the power to enforce schemes which had been rejected by the aldermanic vote. The main features of the Bill were compulsory purchase and hiring. The County Councils Association accepted these provisions, as they conceded that it might be necessary in certain cases both to have compulsory powers of purchase and hiring. The principal objection of the county councils undoubtedly was that there might be a loss to the rates. The hesitation of the county councils to put the Act into force would arise from the fear of the cost. They had had little experience in the working of the Act of 1892. With the dread of possible loss to the rates he entirely sympathised. He was quite aware that in these days there was a great dislike to the increase in local rates. That increase, however, had been owing to the action of the late Government in connection with education, and therefore there was a great fear of any further increase of local taxation. The County Councils Association had passed a resolution that in case of loss, not less than one-half of it should be borne by the Treasury. A deputation of that body waited upon the First Commissioner of Works and laid the proposition before him. The right hon. Gentleman met them very fairly and in a liberal spirit, and told them that though he could not go to the extent they desired, he was quite prepared to meet them half way. The Treasury had agreed that in cases where a county council produced proof that they had done all in their power to prevent loss they would be prepared to share the loss with the county council not exceeding half the amount. That was accepted by the deputation as a fair compromise, as he himself thought it was, and would render the working of the Bill more easy and make the county councils more inclined to assist the Board of Agriculture, not, however, in making experiments, for the experimental stage had been passed. He did not believe that there would be any loss in any county as a whole, or that either the Board of Agriculture or the county councils would venture on any wild-cat schemes, as some people had been led to believe. Such persons talked as if county councils were not composed of practical men. For all these reasons he believed that the county councils would put the Act in force. Another question which had agitated the members of some agricultural societies throughout the country was that this was a revolutionary measure and that every farmer was going to have his best land taken away from him or have it cut up entirely. It was asserted that there was to be a general attack on the tenant farmers of this country. It was said that there was going to be a great revolution, and that practically every farmer would have his farm taken from him, and that all large farms would be cut up. No wilder statement could possibly be made. The Board and the county council would adopt the same procedure as had been adopted in respect to Crown lands. There was no case under that procedure in which a man who was doing his land well, residing on it, and who was a good farmer had been disturbed in his holding at all.

In every part of the country there was plenty of land to be had by sale, or termination of tenancies, out of which small holdings could be made. He was convinced, in his own mind, that there would be no hardship inflicted at all under the Board of Agriculture, acting on the advice of the Commissioners, in regard to the land. There was plenty of land to be bought or hired in this country at a low price, and this land could be acquired by the county council. When he was talking about the purchase of land acquired by county councils, he was reminded that hon. Gentlemen had denounced the proposals of this Bill because the land might be compulsorily purchased. He believed, however, that very little land would have to be purchased compulsorily; there were many thousands of acres of land unoccupied which would be suitable for this purpose for which the county council would be willingly accepted as a most desirable purchaser. He, therefore, did not think this compulsory clause would be used to any great extent, although the power would, he hoped, be used fearlessly, if necessary. It was said that if they purchased land compulsorily, it ought to be accompanied by the power to sell the land. The answer was that it was not right or fair for the State to acquire one man's property compulsorily and deprive him of it for public purposes and then to vest the private ownership of it in another man. Further, they would be continually having recourse to the powers of compulsory purchase if they resold the land acquired by compulsion, else they would have less to let. Such a proposal would increase the amount of land which would have to be acquired compulsorily. He believed that this Bill would do much to stop rural depopulation, and might even bring people back to the land. It would provide a ladder for the industrious man to climb from a small farm to a large farm. Everyone who knew agricultural districts was aware of instances in which agricultural labourers had, by their own industry, energy, and knowledge of the cultivation of the land, succeeded in becoming small holders, then small farmers, and then even large farmers. These men generally preferred to be occupiers of the land they tilled rather than to become owners of it. There were also cases in which yeomen farmers, whose farms of eighty or ninety acres had been held by their families for generations, had preferred to let their own farms in order to take larger farms where there was fuller scope for their energy and capital. Personally he believed that the provision as to hiring was one of the most important and satisfactory in the Bill, though here again he did not believe the compulsion would be necessary as a rule. He wished to say how cordially he agreed when the right hon. Gentleman the Member for Bordesley said that he hoped that this Bill would be a blessing to the small holders and tend to improvement in the cultivation of the land, and he hoped the right hon. Gentleman and other hon. Gentlemen opposite would co-operate with the Board of Agriculture in making this Bill a great success.

VISCOUNT CASTLEREAGH (Maidstone) said he had listened to the remarks which had just fallen from the hon. Gentleman, and he noticed that he took credit for the Bill having passed through the House of Commons without any alterations.

SIR EDWARD STRACHEY said that his words were that the measure had passed substantially without alteration.

VISCOUNT CASTLEREAGH observed that he quite accepted what the hon. Gentleman said that it had passed without substantial alteration through that House, and the reason that it did pass in this way was owing to the forbearance and good temper of hon. Gentlemen behind him; but the measure was now approaching its completion in that House, and he did not think that the most violent partisan in its favour would maintain that the discussion on this subject had been of that free and unfettered character which alone could produce a just and workable Bill, or one worthy of entry into the Statute Book. Each Minister, from the Prime Minister downwards, in turn inveighed against the closure, but successively vied with his predecessor in making the closure more oppressive and more a weapon of tyranny—with the majority on that side of the House an easy but by no means a creditable task. He had listened very carefully to the limited debate on this subject, although not having been a member of the Committee upstairs he could not perhaps claim to have heard all the arguments put forward for and against the measure, but he had heard enough to justify the opinion that this was a measure brought in for the purpose of experimenting with the land by the Government at the expense of the ratepayer and the landowner to the obvious detriment of the latter. What was the avowed object of the Bill? The object as enunciated by the noble Lord the President of the Board of Agriculture was "to help the working man, and to make a peaceful revolution in the agricultural life of the country." As regarded the first object he ventured to think that the scheme of his noble friend would militate in an entirely opposite direction, and as regarded his second object he believed he would obtain his heart's desire to the fullest extent, so far as the revolution was concerned, though perhaps not in the peaceful manner which he so ingenuously suggested. The whole system was an artificial one, and consequently, like all artificial schemes, would enjoy a short youth of doubtful success and a middle age of dismal failure, because he was convinced that it would never reach anything approaching old age. The hon. Gentleman had referred to one noble Duke, the Duke of Rutland. Might he be permitted to refer to another noble Duke, and he need only refer to the speech made by the Duke of Portland at the Agricultural Show which he held annually for the benefit of his tenants, and which was very much appreciated by all those tenants on his estate at Welbeck? In that speech he explained how he was desirous of establishing as an experiment a system of small holdings on the most prosperous part of his estate. He had not the time to go into the details of those very laudable efforts which he made, but the net result had been that the scheme signally failed, because it was an impossibility to make an economic success of those various small holdings, and now the land in a depreciated condition was once more in his own hands. The right hon. Gentleman said in his speech that the Government were not hostile to a system based on the principle of purchase, and he quite agreed that the Government were not actually hostile, but thought that they had done nothing further in this measure to facilitate purchase or to in any way extend the Act of 1892. He believed small holdings in some parts of the country might be a success—small holdings on the basis of ownership—but a scheme of small holdings stimulated by the artificial process of ginger as prescribed by the Under-Secretary to the Colonies was to his mind fraught with the gravest possible danger to all concerned. That a scheme of small holdings whereby a landlord could borrow money at a very low rate of interest to enable him to equip small holdings, not for the unsuccessful townsman returning to the land, but for the labourers on his own estate deriving already a livelihood from their labour on that estate, that such a scheme would be successful he ventured to put forward as his honest conviction, and the indirect benefit which would accrue to the neighbourhood would justify the advance by the Government of money at a very low rate of interest. He would liked to have seen some scheme of this description brought in by the Government instead of this revolutionary measure, of which the chief characteristics were shortsighted folly coupled with gross injustice. They might well ask why the right hon. Gentleman received in that House a large amount of support. The answer was simple, because he was regarded by some as an expert in agriculture, because they had as yet no opportunity of knowing to the contrary. He said as yet, because he did not think this awakening could be far distant; and others, amongst whom were some of the hon. Gentlemen below the gangway, who looked on this scheme as a stepping-stone towards one of the foremost objects in the Socialistic propaganda, the nationalisation of the land. Purchasing land compulsorily was one matter—and there was a certain amount to be said for it when the real public benefit was the object in view; but to extinguish all interest which an owner might have in his property by acquiring his land under a system of compulsory hiring was a method which should not commend itself to anyone, when it was realised that after all an owner of land was an individual who was entitled to as much justice as the investor of money in a public company. It was obvious that the uncertainty which must follow in the wake of this measure if it ever should become law was bound to be the forerunner of depression, and to serve as a check to those landlords—and he was glad to think there were a great many who spent what they derived from their

Viscount Castlereagh.

estates and more besides for the benefit of those connected with their estates, and he did not think that their experience of agricultural depression could justify the introduction of this further element of uncertainty. He should not like to convey the impression that in his opinion all county councils would deal unfairly with the landlord. Judging by the Government, he had no doubt some would, but there were others who he was convinced would do their utmost to extend justice to all concerned; but behind the county council there was the Commissioner, who had to justify his existence, and to justify his existence he was expected to create a demand when no demand might exist, and consequently to create discontent where peace and quiet prevailed, and this was summed up in the expressive, he admitted, but hardly statesmanlike sentence, "gingering" the local authority. The three individuals who seemed to suffer most for the benefit of agriculturally-inclined townsmen were the landlord, the sitting tenant, and the ratepayer. The property of the landlord would be compulsorily acquired on the hire system at a price to be fixed by a third party. At the termination of the hiring his property might be returned to him, perhaps considerably depreciated in value, probably with a number of so-called improvements carried out without his consent and perhaps contrary to his wishes. This unfortunate man would be called upon to pay compensation to the local authority for all these so-called improvements, a large sum of money in all probability which he could ill-afford to spend. Let them take the sitting tenant, the owner of a large farm. The best part of his farm might be picked out as a small holding, and he would be expected to make a livelihood on a part of the remainder which might only have been worked at a bare profit or only at a small loss, by reason of its incorporation with the part now taken for a small holding. Now last, but not least, comes the ratepayer, who will be called upon to provide for the small holdings under the name of allotments as laid down in Clause 21, and thereby incurring a rate up to 6d. instead of the 1d. for small holdings proper. There were certain portions of this measure with which he was in agreement, and it was for this reason that he did not propose to vote against the Bill, but he must admit that he looked forward with feelings of grave misapprehension with regard to the successful working of this measure if eventually passed into law as it was at the present moment.

MR. MASTERMAN (West Ham, N.) said the tone of the noble Lord's speech was so extraordinarily different from the tone of the speeches of the members of his Party in Committee that he wondered what had occurred to bring about the change. Was it a rehearsal of what was going to take place when this measure passed to another place, and an indication that the course of treatment which this Bill was going to receive would be similar to that which other Bills had received during this week? Let him say one word concerning the progress of the Bill up to its present stage. Up to last Monday he was prepared to explain to anybody who cared to listen what the success of the Grand Committee system in regard to this Bill had been. In Grand Committee there was full and fair discussion; there was not five minutes obstruction, and not one application of the closure; and the way in which the Member for Wimbledon led the Opposition was an example which younger Members of the House were not likely to forget. He spoke as one who had more Amendments rejected than any other member of the Committee, and who often felt a little discouraged by the fact that what he thought were improvements were not received. Still up to Monday he thought he was able to vindicate this system of legislation, but after Monday he had felt more doubtful. The Report stage had been mere desolation, first, because of the very sharp time limitation; and, secondly, because through Mr. Speaker's ruling, large sections of the most important parts of the Bill, including all those which dealt with the finance of the measure, were ruled out of discussion. For that reason he welcomed the declaration of the Prime Minister that he had recognised the flaw in their present system of procedure, and that he would give a favourable consideration to that which they desired to protest against. The only other remark he desired to make on the progress of the Bill was to express in terms his sincere gratitude and congratulations to the right hon. Gentleman in charge of the Bill, on the way in which he had conducted it through the House. He had conducted its progress under extraordinary difficulty, having been opposed often by both sides, and he had sometimes found it more difficult to tolerate the opposition of his own Party than that of the legitimate opposition. But he had succeeded in carrying his Bill without any kind of alteration, or at any rate, with alterations of a minor character. He had shown his open-mindedness by treating with equal contempt the Amendments of both sides of the Committee. He thought that in future greater allowance might be made for Members to vote in accordance with their consciences. Only once, and that on a minor matter, were they free to vote as they chose, and on that occasion the Committee had lost sight of what was the point at issue. But there was one real consolation, when he remembered how their prayers and pleadings beat themselves in vain against the iron inflexibility of the determination of the right hon. Gentleman. The Bill was now passing to another place, and if the speech to which they had just listened was an indication of the treatment it was likely to receive there he hoped they might look for something of that iron inflexibility which his right hon. friend had opposed to some of their Amendments in the Committee upstairs. An orgie of destruction was now proceeding in another place, which was engaged in mutilating or massacring most of the measures which had been passed this session, and he would be a bold man who would declare that this Bill would not share the fate of its predecessors. He spoke for others as well as himself when he said they must regard this measure as the irreducible minimum. They would not accept some of those Amendments which had been adumbrated in rather airy fashion by the noble Lord opposite. They would not accept the whittling down of the Commissioners into mere inspectors, nor the substitution of purchase for tenancy, nor the abandonment of what was called the default clauses, nor the introduction of the full Lands Clauses Acts, nor the abolition of compulsory hiring, which they regarded as one of the main and vital and most beneficial provisions of the Bill. He could assure his right hon. friend that, if the time came when there was to be a struggle about any or all of these measures, they were not only prepared to sit with him till Christmas in order that they should be carried, but that they would prefer the measure lost and the controversy carried into the country rather than that it should be emasculated—and they were not in the least degree frightened about the result. If that controversy arose he thought his right hon. friend would find that the more independent and guerilla forces which had been largely fighting against him upstairs, not for the purpose, as some seemed to think, of wrecking the Bill, but in the hope of strengthening it, would be not less valuable and devoted than the docile, well-trained members of his regular army. He had only a few words to say as to the Bill as a whole, because the main lines of the controversy had been followed. There were two things especially in the number of disagreements which he much deplored that the Government either did not first embody in the Bill or could not see their way afterwards to accept. The first of these was the giving of the machinery of the Bill into the hands of the rural county councils. He deplored this, because he thought they had struck a rather severe blow at a similar measure dealing with small holdings in Scotland. Although much could be said with regard to this machinery, he realised that it was an exceedingly difficult argument to answer when it was advanced against the Scottish Bill, which contained many provisions superior to those of this measure. In the Scottish Bill they refused to trust the county councils, in this Bill they threw all the working of the Bill on the local authorities. He thought they would have done better, in spite of every kind of argument that could be advanced against what was called a large organised bureaucracy, to place the administration of the Bill directly in the hands of the central authority, the Board of Agriculture, with the power of organising committees in various parts of the country on which, no doubt, the county councils and the parish councils would be represented. What he felt was that all through it was a contest between those who were prepared to pin their faith to the words and phrases of those who voiced the rule of the present forces, and those who voiced the phrases, or the fragments of those cant phrases, which had been hurled against the Government ever since the present Parliament came into being. The county councils were an embodiment of the benevolent feudalism of rural England, and it was to these that they were going to turn and insist that they should undertake work which must of necessity be directly antagonistic to the spirit of benevolent feudalism of which they were the embodiment. They were not going to give them any discretion, but were going to say, "You shall have every choice of doing this or not, but if you do not do it we shall." For good or bad the Bill had gone through in that condition. The second of the deficiencies was fatal to the whole construction of the Bill, and would wreck the whole measure. It was that they had in the Bill made no serious attempt at what was called colonisation, no serious attempt to carry out what his right hon. friend the Member for Bordesley had spoken of as the bringing back of the people from the town to the land. There was unlimited nonsense talked about this particular reform. The ordinary talk about it filled the average agricultural expert with a kind of exasperation. They could not turn the dockers, the unemployed, gathered at random out of the streets, on to the land, and set them growing potatoes or milking cows as some people seemed to imagine. But there was the regular method of proceeding by home colonisation, which was being tried at the present time by almost every civilised nation of the world, and by which an attempt was being made, often under circumstances of great difficulty, first to give opportunities for training men in just those particular methods of agriculture which this Bill endeavoured to encourage, and then to set them up as independent small holders on the land. That was what some of them had been working at for years, and they had greatly hoped that under this Bill there would be an opportunity, through the direct action of the Board of Agriculture, in cases where land colonies had been established under Unemployed Acts, for the establishment, if possible, of co-operative colonies of small holders quite independent of the prejudices and the resistance of the ordinary rural mind, and quite independent, therefore, of any charge upon the rates. They thanked his right hon. friend, of all the elements in this Bill, most particularly for the establishment of his central authority. That was what they had been asking for for years and years, and he would venture to urge on his right hon. friend the very great importance of the strengthening of the central authority, and especially of the character and *personnel* of the Commissioners whom he was going to appoint. Let them be men of superior *status* to the ordinary inspectors of the Board of Agriculture, men who were prepared to break down the almost insuperable barriers against the establishment of small holdings in Great Britain. The right hon. Gentleman had given them a great boon. Not only did the machinery give an opportunity of extending the small holdings, and an opportunity to those who would like to have an opportunity to go upon the land, but the right hon. Gentleman had given further opportunity for the development, by consolidation of this machinery, of the small holders when once they were established on the land. He had given the House every encouragement that they would be largely developed by means of credit banks and co-operative societies. If he might venture to make a rival claim against the claim of Lord Rosebery, he would like to say that as Ireland had no need of Sir Horace Plunkett it would be far better to send him to the peaceful regions of England than to send him to the turbulent shores and regions where the Scottish Land Bill was to come into operation. He endorsed the hope which had been expressed by the right hon. Gentleman the Member for Bordesley and responded to by the hon. Gentleman who had spoken for the Government, that it might be possible when this Bill became law, and the difficulties and wrangles and causes of division were altogether over, to work together for what was, when they considered it, of all social reforms the most fundamental and necessary that could come before the country. The Leader of the Opposition, in his speech last Wednesday, explained the superiority of English agriculture over almost any agriculture in the world, and stated—which had almost been the sacred text of Members of the other House—that this rural depopulation was not an English problem but an international problem, concerning which it was difficult to see how they could provide any remedy. That was an enormous exaggeration of the actual facts of the case, if he might with respect say so. It was perfectly true that every nation in Europe, and he would suppose in the civilised world, had found and still found more or less a persistent migration of the population from the country to the towns. With the solitary and melancholy exception of Ireland, there was not a single nation in the world which could show anything comparable to the statistics of rural depopulation which were shown by our own country. During the same period, in France, one-thirty-fifth of the peasant proprietors had vanished, the decrease having been from 3,500,000 to 3,360,000, and one-third of the English agricultural labourers had left this country, a great number of them never to return.

SIR F. BANBURY (City of London): Protection.

MR. MASTERMAN said the hon. Baronet ascribed this to protection, but there was a difference, in the scientific view, between the success and flourishing condition of free trade Holland and free trade Denmark and the steady increase of the agricultural population in those countries, as compared with the decrease in those protectionist countries such as the eastern districts of Germany, which happened to be afflicted with the same vicious land system as our own; and if the hon. Gentleman considered those facts he might have cause to revise his opinion. What did it mean, not in the bald terms of statistics, but in the terms of human life? He had revisited the village where he was born, and he had looked round for those he had known in his boyhood, only to find that most of them had gone to the Colonies, to America, or to London. Those who remained in the village were discontented and degenerated, and lacked all that energy and enterprise of which as boys they had given promise. Although they had not the courage, energy, and ambition to leave the village, yet they realised that there was no superior career for them there, from the cradle to the grave. Some would say that it was well that men should go to where they could get better wages and freer markets. But the old village life had some elements of tenacity and strength which they wanted even in new towns with all their enormous economic advantages. He agreed with his right hon. friend the Member for Bordesley that there might come a day when they would need those particular elements which they had thrown away, which had been fostered and encouraged in rural England, and which when they asked for them they would ask for in vain. He had been working in a humble fashion, by speech and with pen through long years, though there was apparently absolute indifference in the country, to arouse the people to some sense of what the meaning of this rural depopulation was; and he knew that those who thought with him on the subject would accept this measure as being perhaps the largest possible measure which could be obtained for the present to deal with this particular evil. If his right hon. friend thought he had given them a more satisfactory and more efficient means of working than could have been produced if their criticisms of the Bill had been passed into law, no one would feel greater pleasure than he and those who sat with him on those benches. He thanked the Government for having made this particular reform the main measure in the second session of the present Parliament, and for the courage and determination with which they had carried it through the House, and with which he had no doubt it would be carried into the other House.

MR. A. J. BALFOUR (City of London) said he always listened to the hon. Gentleman who had just sat down, when he dealt with the practical and theoretical aspects of this question, with peculiar interest; not because he agreed with him, certainly not wholly, but because he had evidently studied the subject with deep and affectionate interest; and he did not come to the House merely to echo or re-echo some Party cry or Party shibboleth; he addressed them in order to give effect to life-long and slowly matured convictions. The Member who did that, in his opinion, was always agreeable to listen to. If the hon. Member would forgive him for saying so, the earlier part of his speech was not in his best vein; he did not shine so much in attacking the House of Lords as when he dealt with the social and argumentative aspect of the question. He (Mr. Balfour) did not propose to repeat any of the speeches which he had made on this subject; he would indeed occupy the time of the House but for a very few moments. When he listened to a speech like that delivered by the hon. Gentleman he thought it might be worth while to give to the House some reflections which it suggested to his mind. To begin with, the hon. Gentleman put down the evils of the present agricultural situation in England to what he called the vicious land system; yet if he reflected on what he said he would see that it was not an adequate explanation, because he told them that the old village life in England was full of the most admirable social elements, that it contained a strength to the nation and to the community which we could ill spare, and he mourned the decay of that village life which he said was going on in many of the southern counties of this country. But that old village life, with all its merits, was brought into existence when there really were some important legal distinctions between the land tenure of this country and the land tenure of other nations. Those distinctions had now practically vanished; there was no difficulty so far as the law was concerned in dividing properties as much as they pleased and establishing as many small occupiers as could be brought into existence. If there was any difficulty in the way it did not arise from the land laws. There might have been difficulties in connection with the old land laws, but it was under the old land laws that the village life which the hon. Gentleman regretted came into existence and flourished. Therefore, it was thoroughly unscientific to say that the evils they were now dealing with were evils due to the ancient and historical land system of this country. They were clearly, on the very face of it, due to other causes. There was another point: what did the hon. Member and the House try to do when they sought to remodel in parts the existing distribution of holdings? There were two answers to that question, and he very much wished to know which was the answer the hon. Member would give. They might say, in the first place, that if they could establish a system of small owners and small holders, where they did not now exist, it would flourish of itself, would be self-supporting, would be thoroughly effective as a means of cultivating the land, and would substitute a more living and effective land system than the present. If that was the view of the hon. Gentleman, if the new system he wanted to establish was the only system, then, once they adopted it, the object in future was merely to tide over those difficulties and eliminate that friction which attended the existing system, during the period of transition from the existing system to the new, more natural, and more healthy system. Let them remember that no landlord had, or could have any interest in dividing his land into holdings which were not suitable, in his view, for the development of his property, except this one interest, that under the agricultural conditions farms were divided into large areas, and buildings were erected suitable to the large areas but unsuitable to smaller areas, and the cost of transition, therefore, was practically prohibitive. If that was the view of those who supported this kind of measure, what they were doing was to provide money for getting over that transition difficulty in moving from the less natural to a more natural state, from a less profitable to a more profitable condition for everybody concerned. He was not quite sure that that was the view of the Government. There was another view. Might not that be their view? That was, that whatever might be the merits of the larger cultivation from the purely agricultural point of view, the smaller division of land had collateral social advantages which made it worth while to pursue an uneconomic course with regard to the arrangement of the land system. That was quite different. He was not quite sure whether that was the view of the hon. Gentleman opposite or of any of those who had thought deeply over this question.

MR. MASTERMAN said he could not speak for the Government, but he did not think anyone on that side of the House would dream of suggesting that they desired an uneconomic system for its collateral advantages. With certain exceptions they believed that this would make a more economic system than the old one when the transition period had been got over.

MR. A. J. BALFOUR said he hoped that would be the fact. But he was sure that a great many Gentlemen thought they were introducing a system which was not the best economic system, but which was desirable for social reasons. If that was what they were going to do, they might gain those collateral advantages, but there would be a perpetual struggle to keep the system in existence. It would constantly require artificial fostering, and that fostering could not be carried out without considerable cost to the State, and without, he feared, some demoralisation to the classes immediately concerned. Another closely connected question was suggested by this subject of social reform. It might be true, but he would like to have more evidence on it, that rural life was inherently a more healthy life than town life as it was now carried on. If the authorities on physical deterioration who had been quoted were to be taken literally, they would be obliged to accept the view that the rural population, which certainly had earned lower wages than the town population, could raise their families in conditions which gave a far more effective and vigorous population. He wondered whether that was true. If it was, it was a very serious consideration for all who looked ahead, because it was plain that whatever they did with regard to the system of land tenure, and however much they attempted to divide the soil and increase the rural population, the result could be but a drop in the ocean compared with the increase to which they must look forward if we were to maintain our position among the nations of the world, and which could only take place, he would not say in urban districts, but, at all events, in manufacturing districts. It might be that in the future we should find some method of carrying on in country districts under modern conditions, and in circumstances which would enable them to compete with great urban or semi-urban factories, some kind of manufacture having no relation whatever to rural life. Hon. Gentlemen who were interested in this question would admit that only a very small amount of progress had been made in this direction. He did not, however, see very hopeful signs of such a change, and on the whole he could not honestly say that he believed we were within sight of another state of things under which the great manufactures of this country could be carried on under truly rural conditions. If that were so, and if it were also true—he was still reluctant to accept the statement—that a rural life even with small wages was inherently more wholesome and led to a more vigorous breed than town life with larger wages, the prospect before us was a very serious one. The matter would be still more serious if they supposed that they were providing a remedy for this difficulty by this scheme or any other scheme designed to promote a return to the land. Whatever they did in regard to the return to the land, however much their plans might increase the rural population—and he was not so sanguine as some who had spoken in favour of the Bill—they could do but an infinitesimal fraction of what would be required if a large proportion of the inhabitants of this country were to be country bred. He believed this country made the choice sixty years ago when the repeal of the Corn Laws took place. It was then decided that henceforth the development of this country must be a manufacturing development. He believed that choice was rightly made. He was not one of those who ever thought that the decision come to in 1846 was a decision which could be long postponed whatever had happened, but let them logically accept the consequences of their own acts or the acts of their forefathers. Let them admit that if Great Britain was to be an increasing community, as he hoped, the increase must be in the main not a rural increase, but an urban increase. If they believed they were effectively dealing with the tremendous problem of urban life, and all the difficulties which these great agglomerations of mankind inevitably brought upon the administrators of sanitary science, education, physical culture and the rest of them; if they believed that, then they were lulling themselves with the falsest and most foolish hopes, and turning their eyes from the real social problem with which this country had to deal to the small and relatively insignificant fringe of it. His right hon. friend the Member for Bordesley differed from him. The question was one of arithmetic. How many more people could they get on the land, supposing their most sanguine estimates were fulfilled? What proportion would they bear to the growing urban population? If his right hon. friend would do that sum he would see that, admirable as was the cause to which he had devoted himself, and heartily as he himself sympathised both with his objects and his methods, he must not exaggerate the proportion which any effort of this kind bore to the total of that great social problem which was still before us. It was because he felt most strongly and earnestly on this point that he deeply regretted the rhetorical commonplaces, quite sincerely intended, with which this question of the rural population was too often adorned—or defaced, whichever phrase they cared to adopt. It ought not to militate against the earnestness with which each one of them was ready to devote himself to this question, that it did not bear so large a proportion to the total problem of the health and vigour of the community as some of the advocates of this and other measures believed. He wished he could think that by merely facilitating the acquisition of small tenancies or small freeholds the problem that met them every day when they walked through the metropolis would receive even the beginnings of a solution. That was not so. They would only be nursing themselves with false hopes if they supposed that even the best meant endeavours of the most well-meaning Governments, if they confined themselves to this problem alone, would touch in essentials those great social questions which were the cause of so much thought among all classes of the community, whose minds had been directed more and more to the real difficulties of a growing population, increasing centralisation, the closer packing of human beings in industrial life, and all the collateral difficulties which these great social phenomena produced.

MR. ROGERS (Wiltshire, Devizes) said he was one of those who found himself in general agreement with the policy of the Government. Whenever there had been any question as to the line taken up by the right hon. Gentleman in charge of this Bill he had decided that the Government was right, and that those who took the opposite view were trying to do more than was possible within the scope of this Bill. After all was said and done, village life was a good deal better now than it was twenty-five years ago They had not gone back; on the contrary, they had gone forward. That was one of the things which really necessitated a Bill of this kind. The old benevolent despotism was coming to an end owing to a number of causes, and this was mainly due to the improvement in the education of the rural labourers, and to a large extent to the poverty of the rural landlord. There were wide stretches of the country at the present time in which there was no resident landlord, and a state of things was arising in many large country districts where he believed a Bill of this kind would give the labourers a chance of working out their own salvation Such a measure was most urgently required by everybody who looked forward to the future welfare and improvement of our country villages. He represented a division in which there were hardly any resident landlords, and where the farms were mostly large and were rapidly becoming larger, and where everything done in the village was done by a large farmer if it was done at all. It was because he believed that the breaking up of some of these large farms was the most important thing for rural reformers that he gave such a hearty support to the provisions of this measure. His hon. friend had thrown considerable doubt and expressed misgivings as to the attitude which the county councils would take in regard to this measure. In this matter they could not go behind local opinion as expressed in these councils, and what they must do was to try and get that public opinion to co-operate with them in every possible way. The present constitution of county councils was not what it would be for all time. They were popularly elected and were responsible to public opinion, and unless he was very much mistaken there would be a very considerable trend of public opinion in favour of using to the very utmost the operation of this Bill. That influence must make itself felt on the county councils of the country, just as public opinion made itself felt in this House or any other elected assembly. Naturally, with all other hon. Members who were interested in this question he welcomed the great assistance and co-operation which they would receive from the Commissioners who would be responsible to the Board of Agriculture. For the first time they had now got this question brought right down to the floor of the House. The work done by the Commissioners and the Board of Agriculture and the way they influenced the action of the county councils would in the future always be a matter with which the House could deal in every particular. There was one other consideration which he would venture to put before the Government. He had been a member of a county council for fifteen years. When he was first elected a county council had only to deal with roads and lunatics. The other matters they had to deal with were of very small moment. During those fifteen years there had been hardly a session without one or more important reforms being passed by Parliament giving increased powers and responsibilities to county councils. Parliament had always treated county councils as the agents for carrying out various matters of national moment or importance; the work had actually been increasing from year to year, and as a necessary consequence the local rates had been increasing as well. As a result of all these reforms it became a matter of increasing urgency that the whole question of national and local finance, and the relations between the two, should be dealt with at the earliest possible moment. He did not think that this House ought to go on treating county councils as the agents for carrying out national reforms unless it was prepared to give to the various county councils at no distant date a rather more liberal and generous grant of money to deal with these various matters. There was one other consideration. On the Ministerial side of the House they desired particularly to see local authorities, and especially county councils, more representative of all classes of the community. The difficulties they were faced with in the country districts were financial as much as anything else, and he thought the House ought to make up its mind to give county councils the power of paying the travelling expenses of those who had to attend their meetings and who were now being called upon to give increased time to their public duties. The right hon. Gentleman the Member for Bordesley had exhorted some of them not to go down to the villages and talk about the security of tenure which this Bill would give. He was afraid that in this matter he did not agree with the right hon. Gentleman. His opinion was that under the Bill and under the local control which it gave to the individual cultivators the tenant would receive security of tenure and rent in as great a degree, indeed in a much greater degree than he received it from his landlord at the present time. He thought he could show that that would be quite adequate. A parish council which took an estate and let it out in allotments was not likely to act in a harsh fashion towards any one individual cultivator. In the average country village, if any parish council ejected an allotment holder without giving a sufficient reason, it would cause as great a storm in that village as the passage of a Home Rule Bill in this House. The county council would be influenced by the same reasons and would be deterred by the same objections from acting in an autocratic manner towards the various cultivators of the soil. When all was said and done he desired that under this Bill there should be good and not bad cultivation. He looked to the county councils, and he thought it was their duty, to see that the cultivators worked the land to the best advantage. They very often cultivated the land much better than the large farmer whose place they were going to take. As far as security was concerned, he was quite satisfied that the security the cultivator would receive from the various local authorities would be satisfactory. His own experience was that the men themselves were practically indifferent as to whether they were tenants or holders as long as they thought the security was good and the rent was fair. What they cared about was, first of all, that they should pay a fair rent, and secondly, that they should be able to receive a fair reward for their labours without the danger of being turned out of their holdings. He thought it was doubtful whether peasant proprietorship spelt prosperity and success. A few weeks ago there was a great uprising in a portion of France where peasant proprietorship was the rule. The peasantry there were engaged in wine growing, and, in spite of the fact that they had control of the home market, and that they were protected against foreign wine producers, they had reached a condition of poverty in which no one desired to see the small proprietors who would be created by this Bill. In this country tenancy had done a great deal for the cultivation of the land. The Leader of the Opposition in an interesting speech stated the other day that he regarded it as necessary for the success of small holders that ownership should be given to them. At present there were two-thirds of our farmers who occupied not less than fifty acres of land, and the results were sufficient to show that tenacy was not altogether an exploded system. In spite of great disadvantages the tenantry of this country produced the largest yield of corn per acre on any land in the world, and he saw no reason why the small holders should not be able to produce just as good result as the large farmers had achieved. He thanked the Government heartily for introducing this Bill. He believed when it was carried into law the dawn of better things would be witnessed in many of our country villages. Many hon. Members could, perhaps, direct their energies quite as usefully to the work of the county councils in their own districts as by attending in this House. He earnestly hoped that hon. Members in all parts of the House would give the best assistance they could in endeavouring to secure the successful working of the measure.

MR. LANE-FOX (Yorkshire, W.R., Barkston Ash) commented on the optimistic ideal of hon. Members opposite that this measure would solve the great national problems of overcrowding and depopulation at the same time, and said that if these hon. Gentlemen had more practical acquaintance with rural affairs and land management they would take a saner view of what was possible by the aid of legislation. The hon. Member for Wiltshire had alluded to geographical difficulties and stated that the county councils were not truly representative. If that was true of county councils, it was far more true of the House of Commons, but that did not prevent hon. Gentlemen opposite from stating that that House represented the views of the people. He maintained that county councils, having been elected on a wide franchise, were fully qualified to carry out the views of those who elected them, whatever the geographical difficulties might be. What was true of one elected body was true of another, and they had no more right to accuse the county councils of being unrepresentative than they had to bring the charge against that House. This Bill had had a very harmonious passage through the House and all sections owed very much to the tact and good management of the right hon. Gentleman in charge of the measure. He had nevertheless concealed the iron hand under the velvet glove, because he had not made any concessions, and his method of refusing any concession had been so pleasant and so difficult to resist that it had almost seemed to hon. Members that in submitting them to a blank refusal the right hon. Gentleman was doing them a great favour. Opposition Members had had so many compliments paid to them by hon. Members opposite that he could not help feeling some misgiving as to whether they had not been committing some fearful political crime. He felt rather in the position of the man who was congratulated by the burglar on having left his house open. However, he was glad to think that the Bill had received the hearty co-operation of all parties. The real lions in the path of the right hon. Gentleman had been some earnest Radical Members who had sought to introduce irrelevant matters into the Bill. Upon the whole the Bill had a harmonious passage through Committee, and it was only when it came down to the House that they discovered that they were under the brutal autocracy of the Prime Minister. The Prime Minister was like a man in the habit of taking a drug; he got so wedded to it that he had got into the guillotine habit. So impressed was he with the habit that not only did he think it was necessary for the House, but he thought it was also good for it. The Opposition had been treated in a niggardly fashion. The Government having given the House a few hours of discussion had failed entirely to muzzle their own Members, and so much time had been occupied by Radical Members below the gangway that Opposition Members had been prevented from moving important Amendments which might have improved the Bill. If they were told by their constituents that there were certain things which they might have done better, they would have to answer that owing to the verbosity of hon. Gentlemen below the gangway opposite, and to the closure Resolution moved by the Prime Minister, it had been impossible for hon. Members on that side to carry out all they could have wished. Reference had been made by an hon. Gentleman opposite to the condition of things among agricultural labourers in the county of Norfolk. That was a county which was largely populated by city financiers and where there were Radical local Parliaments. Any section of the population living in a county like that might find it difficult to call their souls their own, but he did not think that these conditions prevailed in the north of England. The action taken by the Opposition in regard to this Bill had been beneficial.

They had not been able to obtain many concessions, but some of them were of importance. They had security, for instance, that the rate to be raised should not exceed a penny, and that the whole or part of the loss accruing from the experiment would be borne by the Treasury. That would go far to allay the apprehensions which had been felt in regard to the Bill. Certain safeguards for the labourer had been introduced, and something had also been done—he wished it had been greater—to protect the interests of farmers whose land would be taken for the purposes of the measure. These Amendments were very valuable, and he thought the representatives of agricultural districts on that side of the House deserved credit for having persuaded the right hon. Gentleman to accept them. He and his friends still objected to the principle of compulsory hiring and perpetual renewal by one party only. They still objected to a bureaucracy over-riding the county councils. The hon. Member for Somerset had spoken of the aldermen in the county councils as not being of a thoroughly representative character owing to a number of them having been appointed members after their defeat as candidates at the election. It was said that that would naturally prejudice them against small holdings; but he would remind the hon. Gentleman that in the West Riding the county council was an absolutely packed body, and that the aldermen, with few exceptions, were all Liberals. In that division, however, no more advance had been made in creating small holdings than anywhere else. He hoped that the earnest anticipation of hon. Members as to the success of this Bill when it became law would be fully realised; but he wished to warn the House that there were some districts where strawberries, onions, and tomatoes could not be grown, and that were only fitted for sheep and grass. It would be foolish and indeed fatal to create a demand for small holdings in such districts, because hopes would be inspired which were bound to be disappointed; and a land hunger would be stimulated to the great injury of small holders. The hon. Member for Somerset had expressed the hope that they on that side of the House would do their best to make the Bill a thorough success. He could assure the hon. Gentleman that he would do all he could to do so, and if unfortunately considerable hardship fell on the landlords, the tenant farmers, and the agricultural labourers, the responsibility would rest with the Government.

*MR. NICHOLLS (Northamptonshire, N.) said that as one who had taken great interest in the Bill since its introduction, he desired to express the feeling of gratitude to the Government of a very large number of agricultural labourers in many parts of the country. He admitted that there were some parts where the Bill could not be of much advantage, but there were other districts where it would be of immense help. He had listened both in the House and in Committee, and again in the House that day to what had been said against the Bill by those who had what they called grave fears connected with it. Some hon. Members seemed to be afraid that the Bill contained the elements of Socialism. There was not one hon. Member below the gangway who claimed to be a Socialist who was ashamed of his Socialism. His friends did not recognise him as a Socialist from their point of view, but he had no fears in regard to those who were further advanced than he was. The right hon. Member for the Bordesley division had stated that they were deluding the agricultural labourers in regard to the Bill, and what it was going to do for them, and the right hon. Gentleman also suggested that the Rural Labourers' League had been increasing the number of its agents in all the villages, trying to show the villagers that this Government would not help them to purchase their holdings. He would probably come across the League in the villages, and would endeavour to show that this Bill was never intended as a Land Purchase Bill; it was principally meant to encourage tenancy. If the Bill of 1892 had been useful it would be now, for they did not wish to do anything to prevent purchase. The right hon. Gentleman had said that the tenants would not be secure under the Bill, but in spite of the right hon. Gentleman's argument he (Mr. Nicholls) believed that with tenancy under a local authority the tenants would be secure in their holdings. He was a tenant under a local authority for some years; and as most people knew, when once a man entered into such a tenancy, as long as he paid his rent, farmed well, and remained in the district, he was secure. He was secure and felt secure, and that was a very great improvement on some of the tenancies held in other districts under other conditions. He had had hundreds of letters from all over the country in regard to this matter. In spite of what had been said, he had always recognised that there were good landlords who had done their duty to their tenants, and had helped them in a difficulty. But there was a very large margin left of landlords under whom the tenants did not feel secure. Here was an illustration of what happened in some districts. He knew a tenant who held his land for nineteen years. It was a small holding at a rent of £35, with £7 for outgoings. Three years ago he asked his landlord's consent to plant strawberries and to go in for improved cultivation. The landlord consented, and the tenant did well. At the end of last year the landlord came to him and said that two other tenants had offered him £50 a year rent, and that if he would take the holding on a lease of ten years at a rent of £50 a year he could remain. What was the man to do? He had lived on this land all these years; he had made it what it was; he had spent money and hard work upon it until it became part of his life. He did not want to leave his small farm, but the landlord said, "You must pay a rent of £50 and take a ten years lease or go." And the man agreed to pay a rent of £50 with £7 for outgoings, and to sign a lease for ten years. Some hon. Members seemed to doubt that there were villages where the agricultural labourers were afraid to lift up their heads. He would mention some facts in regard to that. At a meeting which he attended, without mentioning any names, he stated the case of the poor fellow which he had just quoted. That man wrote to him saying—

> "For Heaven's sake do not mention my name, because my landlord is a hard old man, and although I have a ten years lease he will make it very hard for me. You can mention the fact without the name and if you want I will prove the truth of what you have said, but I do not want to get into any more trouble."

He knew that there were scores of villages and rural districts where men who had been waiting for this Bill would welcome it heartily. He knew what he was talking about, for he was head of an organisation which covered the best part of a rural area where small cultivation could be carried on. He knew of 3,000 *bona fide* agricultural labourers who were keen on this land question, and wished to obtain small holdings or allotments under the local authorities. Some weeks ago, after the Bill had been introduced, he sent requests to representative men in a number of villages to ask the following questions:—(1.) "Is there any demand in your district for allotments and small holdings?" "Yes," was the reply in almost every case. (2.) "Is the soil suitable for small cultivation?" The answer was in most cases, "Yes." (3.) "Has any effort been made by the local authority to provide small holdings and allotments?" Answer in some cases "Yes." (4.) "What steps have the men taken themselves to get their demands satisfied?" Answer—"They filed petitions and memorials to the local authority." (5.) "Have the landlords shown any sympathy with the small holdings and allotments?" Answer in some cases "Yes," but in many cases there had been a blank refusal. (6.) "Do you believe that the men would prefer purchase to hiring?" In a very few cases, indeed not more than five, the answer was, "We would like purchase if we could see our way to get the money;" but in all the other cases the answer was, "We prefer to hire, because what little money we have will be required to run the holding, and as long as we are under a local authority we should feel safe and be secure in our holding." (7.) "Have the labourers capital to run small holdings?" In nearly every case the men declared that they had some money, and in some cases they said that they had enough capital to take a five or ten acre holding and to stock and to work it. Surely some advance had been made in this matter of small holdings, when it was recognised in all quarters of the House and in Committee upstairs that there was need for such a Bill. In fact, the situation had been forced upon Parliament. He was prepared to say that some landlords had encouraged small holdings, but many of them had not and would not; and when they were asked the reason why, they said straight away that they did not want to get a new element on their estates. The landlords and the larger tenant farmers in fact wished to control the whole district. That was clear from the speeches which had been made in another place. Said one noble Lord—

> "What is it that makes ownership of land attractive? It is the right of selecting what person we wish to be associated with in the cultivation of the soil."

What did that involve? It involved keeping from the land those with whom they would not associate. He had always felt when holding his land under the local authority that if he paid his rent, cultivated well, and remained in the district he was secure; but there were scores of men who paid their rent regularly, who cultivated well, and who wanted to remain in the district, who, however, did not feel secure in their tenancy. There was no need for him to say why. Hon. Members on both sides of the House knew why. What was wanted was to be able to prove to small tenants that as long as they paid their rents, cultivated well, and lived in the district, they were free to go on any platform they liked and speak their mind, or to go to any church or chapel they chose. There was need for this Bill, because under the old conditions men who wanted land could not get it because of the conditions he had stated. Hence the need of compulsion. Every other means had been adopted and had failed. He was old enough to believe that although they got compulsion there would not invariably be the need of enforcing it. The very fact that the machinery was there to enforce hire or sale, and that it could be done, would be enough to make those who had been lagging come up to the scratch. He knew of a case where two working men had been returned to the county council, and their expenses paid by their fellow labourers. For ten years these two men had endeavoured to get the county council to provide small holdings, but their fight had been in vain. It would strengthen the hands of these men in the county council, if they were able to stand up and say, "Look here, we have been trying to get you to provide small holdings, and you would not. Now we have got other machinery. You failed to act or make inquiry, now we can get the Agricultural Commissioners to make inquiries." If the county councils in such circumstances had a good case against small holdings, what had they to fear? They might say that the land was not suitable, or that the labourers did not understand the cultivation of the land; but all that would be inquired into by the Agricultural Commissioners. The Report of the Committee on Small Holdings made some reference to failures, and the opponents of the Bill said, "Look at what has happened; men obtained small holdings and deserted them, and they are now thrown out of cultivation." If further search was made in the Report it would be found that in every one of those cases where the small holdings had failed, it was due either to the soil not being suitable or to the land being too far from the men's homes. He knew what it was to run an allotment of an acre or so a mile from his own door. Even when the soil was not suitable the rent demanded for small holdings was far above the average rent of adjacent farms. The result was that the small holders became discontented, and asked why they should have to pay this increased rent? He favoured the case of small associations, say of twenty men, who took a twenty acre field, each having allotted to him an acre. In such cases the men were invariably prepared to be responsible, the one for the other. They trusted one another, they stood loyal to one another, and would do so in the future. These men knew one another and trusted one another, and these local associations could give a helping hand to the local authorities, which would dispel all the fears which seemed to be entertained in regard to the working of this Bill. He did not know everything, and he was prepared to admit that he did not know every county in the country, but he did know the Eastern Counties, where they had some of the finest men and the finest land, and if they could only get these fine sturdy East Anglians with a foothold and freedom upon the soil, they would get the best Territorial Army that could be provided in this country, at least for the Eastern Counties. If they gave these men a foothold upon the soil they need not fear any foreign invasion along our coasts. He was satisfied that these Ironsides of the Eastern Counties would protect our Eastern shore, because they loved it, and had an interest in its defence.

*MR. BECK (Cambridgeshire, Wisbech) said he desired to add his thanks to the Government for this Bill, and to the right hon. Gentleman for the way in which he had conducted it through the

House. The Bill was moderate, was elastic, and was adapted to our system of rural life; he therefore warmly welcomed it and had high hopes of its success. The only regret he had was that the Amendment of the hon. Member for Chippenham, authorising county councils to sell land compulsorily acquired, had not been adopted. The criticism of this Bill fell under two heads; first, that this Bill was unjust and tyrannical to landowners, and second that it was unpractical and would accomplish nothing. As regards the first class of criticism there had fortunately been very little of it, and indeed such statements were obviously absurd and indefensible. The main attack, if such a strong word was in place, was under the second head, the practicability of the Bill. Men of such diverse views as the right hon. Member for Bordesley and his hon. friend the Member for North West Ham united in criticising the Bill on these lines. In his belief they were both unduly devoted to theories. British agriculture was not like the privet, capable of being cut into the exact shapes beloved of those who held theories; it partook more of the nature of our indigenous tree, the oak. The great merit of this measure was that theory and, as he admitted, even logic were subordinated in order to adapt the Bill to the actual conditions existing. As regards risk, he believed there would be but few failures; but he hoped that the Treasury would deal very generously with any county council which did its best, but had its small holdings fail· They had never claimed on that side of the House, as the Leader of the Opposition in his stimulating and interesting speech seemed to imply, that this Bill would change the face of the country and sweep away slums. It would, however, materially check the vicious system by which agricultural labourers moved into the towns and became members of that hopeless class, the casual labourers, the class from which almost all the unemployed were recruited. He was also hopeful that eventually under this Bill men who had gone to the towns would return to the country; he did not, however, hope to see this as yet. His hope was that the crumbling away of the rural population, some of the finest material in the world, would be stayed. When once they had small holdings established the demand for them would be very large. He might mention the recent case of Bromham in Wiltshire, where, with 230 acres available, 550 acres and twenty houses were asked for. This after a Crown farm in the neighbourhood had been divided up. He believed the Bill would be the foundation-stone of a great edifice of rural prosperity, for small holdings were no longer experimental. All over the country they had been established, and in almost every case they had been a success. Opinion had changed on this subject, and gentlemen like Mr. Rider Haggard and others, who used to oppose small holdings, were now in favour of them. He believed that out of the hot iron of public opinion this Government had forged a weapon that would be of the greatest use in checking rural depopulation.

MR. BECKETT (Yorkshire, N.R., Whitby) said that as to the benefit the Bill would give to the labourer for whom it was brought forward, he confessed he was somewhat sceptical, not so much on the ground of the sins of omission and commission in the Bill, but because he was one of those who held that the fact of agriculturists leaving the country had very little to do with either economics or agriculture. It was, in his opinion. due to a stronger incentive than either of these, and that was human nature. He believed the agriculturist was leaving the country for the greater part simply because he found the town more attractive. That was a sentiment which many Members of that House and many other classes in life found actuated them in the same direction. There was that about the companionship and the sense of security and the absence of melancholy that companionship gave, and that distraction and attraction of the town, and perhaps also the charm of a dissipated life, which appealed to some. Those among others had been far greater reasons than economical ones for the attraction of labourers from the country. One was compelled to consider the counter-attractions which were held out by the Government under this Bill to induce labourers to return to the countryside. The labourer had no prospect of any pride of possession, he had nothing but tenancy offered to him. If he worked hard he had the prospect of amassing sufficient money to pay the rent and a sinking fund which would in the end enable somebody else to buy the land. If that was the best that could be said for the measure from the rural labourers' point of view, some far more powerful attraction and some much stronger magnet would be needed before any man would be induced to leave the pavement for the plough. Though it might not attract men from the town, it might go some way to keep men in the country who were already there. It was universally agreed that that was most desirable, and that was the part of the proposal that he hoped would succeed. He thought, however, that this consideration had been left out, viz., that the men who would take the small holdings would not be taken from the towns, but would be taken from the farms. If there were those who had sufficient capital in their hands and insufficient sense to risk their capital, it might be that in some cases they might benefit their position by taking small holdings; but how was it proposed that agriculture itself would be benefited as a whole, merely by the operation of shifting men from one field and putting them down upon another? There was very little about the measure of which the farmer himself approved. The Bill proposed to take from the farmer perhaps both his labour and his land. It must be borne in mind, too, that the farmer was a ratepayer, and in that capacity he was liable under the Bill to have to pay still higher rates than at present. The farmer was, therefore, in the peculiar position of being called upon from his own pocket to pay such increased rates as would facilitate his own undoing. Ratepayers generally were very much affected by the Bill. His own idea was that there was nothing ratepayers would not rather do without than pay higher rates. Having fought two elections more or less upon the education question, his own impression was that it was not the denominational rate but the increased rate that the electors of the country objected to. There was a saying in Yorkshire, "We give nothing for nout, and very little for sixpence." He did not know if that were true of his countrymen; but, at any rate, he believed that there were large classes of ratepayers who wanted something for nothing, and would do without if they had to pay for it. One of the things the ratepayer would be willing to do without if he had to pay an increased rate for it was the establishment of a system of small holdings. Then there were the county councils. He was glad the right hon. Gentleman did recognise their existence, but the flail of compulsion was ever over them, and they were compelled to do what they did not believe in at their own cost. He did not believe that could be done without raising a certain amount of surly discontent. They all wished, without any cant or humbug, to see the countryside prosperous, and it was only as to the means for bringing about that desirable result that some of them differed. When the Bill once became law he should do what little he could to make it a success, and his final attitude in the matter was one of benevolent criticism.

*MR. STRAUSS (Berkshire, Abingdon) said that when this Bill was before them for Second Reading the right hon. Gentleman in charge of it stated that the machinery which was embodied in it to bring into existence small holdings was the minimum necessary for that purpose. The measure had been before the Standing Committee and it had passed the Report stage in that House, and he did not think that the machinery had been improved and strengthened in order to bring about what they all desired, namely, the increase and the strengthening of our rural population. He was sure the right hon. Gentleman had done everything he could do to reconcile the two schools of thought, those who believed that the ills which the law could cure were few, and those who thought that every grievance could be remedied by legislation. He was however most grateful to the Government for this Bill, but a great deal depended on the machinery and the Commissioners who were to be appointed. No doubt many county councils would do their best to make the measure a success, but at the same they could not close their eyes to the fact that there were many county councils who did not look with favour on the Bill. When they remembered the utter failure of the Act of 1892 it was quite natural that some should be a little apprehensive that the powers of the Commissioners were somewhat limited, and that they did not go far enough to encourage the demand for small holdings. There were undoubtedly districts where those in authority were somewhat destitute of ideas, where the only idea they seemed to possess was that whatever was evil lay in the future and that the past had been nothing but good. He was sure that anybody going to those rural districts and advocating, or saying anything about, small holdings would be looked upon as a most wicked and dangerous individual to be shunned and avoided. Under these circumstances could anyone be surprised that the labouring classes in these districts had not the initiative to see how they could improve their conditions in life? It was in regard to these cases that he thought the powers of the Commissioners ought to be strengthened. He knew many of these labouring classes who, if they were placed on small holdings with security of tenure so long as they paid their rent, would make their holdings a success. It was important that some system should be devised by which both large and small farmers might be enabled to obtain a proper knowledge of the markets of the world, so that they might get the best possible price for their produce. He knew of a large farmer seventy miles from London who only a short time ago sold his wheat for 27s. a quarter, when American wheat on the same day was sold in London at 32s. Whether the Bill was to be a success would depend on the working of the machinery. If the Government could assist agriculture by loans and give the agricultural population security of tenure, fair rent, and compensation for improvements, they would do more to arrest rural depopulation than could be done in any other way.

*MR. CHAPLIN (Surrey, Wimbledon): Everyone who was in the House must have heard with approval the earnest and thoughtful speech of the right hon. Gentleman the Leader of the Opposition. I think the warning uttered by my right hon. friend both timely and desirable, and in that warning I shall support him. Although I have always been anxious to increase as far as possible the number of small holdings in this country, and although I gave proof of my desire a number of years ago at a time when I was responsible for a measure introduced upon the subject, even at that time I was careful to point out that that enterprise could only be regarded as an experiment, although it was one which the then Government were justified in making. Having said this I desire to pass to the debate we have had this afternoon and to begin with a few words in reply to the speech of the hon. Gentleman who represents the Board of Agriculture in this House. The hon. Gentleman began by warmly repudiating the suggestion that the Government were evidently hostile to anything in the nature of the creation of new ownerships of land, and said the Government were not in the least degree hostile to any such thing. All I can say is that the authors of this Bill have carefully refrained from putting anything into it, or making any Amendment of the Act of 1892, which would have the effect of facilitating or bringing about in a larger degree the ownership of land. And only a few nights ago when we on this side moved an Amendment which would have enabled the county councils to purchase land for persons who desired to purchase it, that Amendment was rejected by the Government, who would have nothing to do with it. It seems to me therefore that the suggestion made that the Government were hostile was justified. The right hon. Gentleman at an earlier stage of the Bill made no secret of this, that while he was good enough to consent to leave the Act of 1892 alone he also said that if he had thought the Act was likely to have a considerable effect in creating the number of small holders of land he would have probably taken some action against it. The hon. Gentleman went on to express his confident conviction that no loss would accrue. But there is one thing with regard to the Treasury Minutes promised which requires to be cleared up and upon which I should like to be assured. I understand that where the work is done reasonably by the county councils and there is a loss, that loss will be repaid under the Treasury Minute to the extent of about one-half.

*THE FIRST COMMISSIONER OF WORKS (Mr. HARCOURT, Lancashire, Rossendale): Where the Treasury are satisfied it is reasonable.

*MR. CHAPLIN: Then comes the other part of the question. Where the work is done by the Commissioners over the heads of the county councils, against their advice and there is a loss, that loss is to be repaid under Sub-section 3, Clause 5. Is that view accepted by the Government?

*MR. HARCOURT: No, sir, it is not. The matter was not discussed, but it was stated, and quite clearly understood by the County Councils Association, that where the Board of Agriculture acts in default of a county council Sub-section 3 of Clause 5 comes into operation, and that under that the Board may repay either part or the whole.

*MR. CHAPLIN: The Government is not pledged to pay the whole.

*MR. HARCOURT: No.

*MR. CHAPLIN: That was a point which required to be made clear. I adhere to everything I have said upon the subject of compulsory hiring, and I shall be very agreeably disappointed if that system proves to be permanently successful. I have little doubt that it will be successful in the first instance. People will be glad enough to take good crops out of virgin land for two or three years, but whether they will be equally ready to spend upon it the money necessary to keep it in good condition is a different question. In more than half the counties in England allotments have already been given up in many districts, and I am not very sanguine as to what will happen in this case. I do not mean to delay the House, or to travel again over ground which has been debated before, but I wish to say one thing before I sit down. We are approaching the close of our discussions on a measure which makes the most drastic and important changes in the land system of this country that I ever recollect in the course of a long Parliamentary career. And I am sure there is no Member of this House who can recollect up to the time of the reign of the present Prime Minister any measure of similar magnitude and importance being discussed under what seems to me the extraordinary, but unhappily in these days by no means exceptional conditions, which prevail at present. It is only right that on the Third Reading of this Bill the position should be put as clearly as it can be before the country. This is a Bill of forty-seven clauses and three schedules which are equal to five clauses. For the discussion of this Bill in this House we have had one day for its introduction, two days for Second Reading and three days for Report, and a morning sitting for this stage—barely seven days in all. Most important provisions have never been discussed in the House at all, a position which it is impossible to justify. I have whilst others were speaking this morning, looked through the Bill and made a list of what appeared to me to be important questions, not one of which have been reached and discussed in this House. No. (1) is the number of dwelling houses that ought to be allowed on small holdings or allotments. (2) The transfer to the parish of the whole control over the allotments, even to those parishes which have no parish councils. (3) The absence of any limit so far as I can see to the borrowing powers of the parish councils for this particular purpose. (4) The existing confusion between Sections 21 and 46, which as it seems to me, must be altered. (5) As to how far it is right that the county councils should be the only tenants in this country or in Scotland who are able to claim compensation from their landlords for permanent improvements, made without either the notice to, or the consent of, the landlords, which is required from all other tenants in the country. (6) There is in the schedule all the machinery for taking land compulsorily, and this is still more important, all the provisions for compensation; and the question is whether the compensation is to be ascertained by arbitration or a valuer only. The right hon. Gentleman made one concession during the passage of the Bill through the Committee. He agreed that this matter should be referred to the Lord Chief Justice of England instead of the Board of Agriculture, where the tenants could not themselves agree; but that does not touch the question I refer to in the schedule. Not one of these questions have ever been reached or discussed at all. I was delighted to hear from the hon. Gentleman opposite his recantation of the views he held at one time on the question of Grand Committee.

MR. MASTERMAN: I did not recant. I still think the system of Grand Committees is the only system of dealing with these questions.

*MR. CHAPLIN: I do not wish to misrepresent the hon. Gentleman, but, unless I wholly misunderstood him, he told us that while we were upstairs, and until we came to the stage of Report, he fully approved of the proceedings on the Committee and the debates we heard there; but that he had changed his views since we came to the Report stage, which was desolation, and the hon. Member will admit that that is a strong expression. I hope it will be borne in mind by the Government. Coming as it does from the most earnest among all the earnest Radicals of to-day, it is a good indication that there is even on the Government side of the House a rather widespread feeling against the system under which legislation is now conducted, and I believe it is absolutely true, as stated by my right hon. friend, that it is bringing the House of Commons into discredit and disrepute in the country. Why have we been subjected to this pressure in the House of Commons? Is it contended that there was an undue waste of time in the Committee? The best possible proof that there was not is the fact that the right hon. Gentleman, by means of his ability and his conciliatory manner, never found it necessary even once to move the closure during the course of the debates. That cannot, therefore, be the reason. The Prime Minister rather complained of me the other day when I challenged him when he was moving his Resolution for the closure on this Bill. I then complained that he had given absolutely no reason whatever for his guillotine Resolution, but took the whole thing as a matter of course and of procedure, and tried to move the Resolution before the Bill had even been reprinted. But the right hon. Gentleman thought better of that, and had to postpone it. The main reason why forty clauses were not discussed was simply because the time allotted was wholly insufficient to enable us to discuss the important details of this Bill, which had been removed from the cognisance of this House. It is all very well to say that fifty gentlemen should go upstairs and thrash out the matter, as they did, to the best of their ability. But that is not what the House of Commons is here for. It is to have these matters before them that the House of Commons exists. The House of Commons has a perfect right to know everything that goes on. So far as the House and the public outside are concerned they are absolutely in the dark as to what was said for and against most important proposals, except so far as they have been discussed in this House. I heard with amazement the speech which the Prime Minister made last night, when he appeared to complain that the time spent in Committee on another Bill was out of all proportion; that twenty-two days were occupied in the examination of the Scottish Land Bill. Does the right hon. Gentleman still think it was out of all proportion? Does he remember the great Land Bill of 1881, introduced by Mr. Gladstone? Of course he must. He was in the House in those days, and, if I am not wrong, the right hon. Gentleman was a colleague of Mr. Gladstone at that time.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN): A humble colleague.

*MR. CHAPLIN: Does he remember how many days the Irish Land Bill took? That Bill, in the discussion of which I myself took a more or less active part, was in the House of Commons no less than fifty-eight days in one session. That was a great measure, conducted by a great Minister. Yet that was not so revolutionary a measure, so completely upsetting the whole Irish land system, as the Bill now before the country upsets the whole land system of Scotland. Mr. Gladstone raised not the smallest complaint or ever maintained that that Bill was in this House a day or an hour too long for the full consideration of the measure, and surely the right hon. Gentleman has no right to complain if hon. Members of this House are determined to insist upon proper time being given to the consideration of this measure also.

SIR H. CAMPBELL-BANNERMAN: The right hon. Gentlemen is referring to old days, but I may remind him that there was no closure then, and that was why the discussion was so expanded.

*MR. CHAPLIN: I wish that we all could go back to those old days. My recollection is quite different from that of the right hon. Gentleman. Mr. Gladstone was one of the greatest of all Parliamentarians, but I have no recollection of hearing the smallest hint from him that the discussions on that great measure had taken one day longer than they ought to have done. I do not think the right hon. Gentleman, if he searches history, will find anything from Mr. Gladstone that will confirm the view he has just given to the House. I do not wish to travel over ground that has already been traversed, but among the clauses which were not argued are many points that ought to have been discussed fully, and one in particular which I desire to call attention to. That is the great confusion created in the Bill between Clauses 46 and 21 which deal with the relative size of allotments. When the Bill was introduced the size of a small holding in Clause 46 was to be anything between five and fifty acres. In the Grand Committee, after a division, in which we were successful in defeating the Government and which was one of the four occasions on which we had the assistance of some of the more earnest Radicals, the words "which exceeds five acres" were excised from the Bill, and a small holding remained anything under fifty acres. The right hon. Gentleman, however, has inserted an Amendment last night which passed *sub silentio*, re-establishing the old limit of the Act of 1892, and a small holding now is anything between one acre and fifty acres. But the clause still remains which increases the size of the allotment to five acres, and small holdings and allotments therefore overlap. The right hon. Gentleman saw the inconvenience of this because he put in an Amendment which provides that the duty of the county council is not to supply allotments of more than one acre. The definition of five acres still remains an arrangement which seems likely to cause endless confusion and inconvenience in the future. This is a matter that certainly should be altered.

Mr. HARCOURT: When I accepted the decision of the Committee and left out the minimum limit of five acres and inserted the old limit of one acre, I recognised that it was obviously impossible to impose a concurrent duty of providing more than one acre on two parties. I had to limit, therefore, the actual duty of the council to one acre, leaving it the power to provide five acres, while beyond five they had the power, with the consent of the county council.

*Mr. CHAPLIN: That does not do away with the confusion.

Mr. HARCOURT: That was the decision of the Committee.

*Mr. CHAPLIN: I know, and it had to be dealt with, and although the right hon. Gentleman has gone a long way towards it, I do not think he has quite got rid of the difficulty. I do not wish to delay the House any longer. I share the hopes—I cannot say with perfect truth that I share the anticipations—of so many hon. Members opposite as to the success of this measure in the future. I greatly regret that the Government excluded from the operation of the Bill the creation of new small ownerships, the creation of these, being perhaps, the best policy that could be pursued to attain success, if success can be attained, in the direction we all desire. Neither do I believe in the permanent success of compulsory hiring, for the reasons already given; and I own that I am disappointed in the concessions that have been made. I have already warmly acknowledged the conciliatory disposition shown at all times by the right hon. Gentleman, but there were some further concessions which I had hoped he would have been able to make. Some concessions which I acknowledge to be of considerable value have been made; but the Bill has still to pass through another Chamber, where at least freedom of speech has not been abolished, and where the Prime Minister is not able at present to exercise the control which he desires. If the measure should come back to the House with some reasonable Amendments designed by men who really know what they are talking about, designed to improve the Bill and to make it a permanent success, I hope that will be received and considered in the same conciliatory spirit by the Government, as the present proposals have been received by hon. Gentlemen sitting upon this side of the House.

Sir H. CAMPBELL-BANNERMAN: We have had in the course of this debate three speeches from Members on the Front Opposition Bench. First came my right hon. friend the Member for Bordesley, who argued with his usual force and clearness in favour of purchase and ownership as against any other mode of solving this difficulty. We have not been able to adopt his method, though I thoroughly appreciate the side of the question he puts before us. But the right hon. Gentleman is mistaken in implying that we have any hostility whatever to small ownership, or that we have done anything hostile to it. If we have not extended the facilities already enjoyed, it is because we have thought that the other method of proceeding was preferable. Next we heard from the Leader of the Opposition a most interesting, luminous, and instructive prelection on the philosophy that underlies the development of industries and agriculture in this country, their relative position to each other, the policy which ought to be pursued with regard to them, and the degree of danger that might arise from too great favour being shown either to the one or to the other. The speech, however, had no immediate bearing on the details of the Bill with which we are now dealing. Then, the right hon. Gentleman the Member for Wimbledon, who speaks on this subject with great authority, devoted himself almost entirely to a disquisition on our new rules of procedure, and especially on the iniquities of the Government. But there again he did not throw much light on the nature, bearing, intentions, and probable effects of the Bill. I am ready to take all the rebukes administered to me by the right hon. Gentleman in respect of my iniquities concerning the "guillotine" and other things; but I believe he has overstated the position as to the Bill. The measure was exceedingly well discussed in Committee, largely owing to the co-operation of the right hon. Gentleman himself. The closure was never once applied in the course of the discussion; it was really a complete and adequate discussion; and so far that was to the good. Then when it came back here, a certain constraint had to be put on the energies of my hon. friends in regard to subsequent proceedings. But all these criticisms as to the way in which the Bill has or has not been adequately discussed leaves the real substance of the Bill untouched. I therefore wish to say a few words on that aspect of the subject. The first thing that occurs to me is this—that it is almost startling how we stand in this matter to-day compared with our position two years ago. Two years ago we had nothing but expectations and hopes to dangle before the world. Now we are about to pass the most ambitious and the greatest reform, or the greatest change at all events, in the agricultural system of the country that any Government has put forward for many years. I think that we should have been able to bring forward a Bill of that scope, and that large character, and at the same time secure for it, not by any effort of our own, but by the force of public opinion, a Second Reading without a division, a fair and reasonable discussion in Committee, and now, probably, a Third Reading without a division [cry of "No"]—well, it does not look as if it would be a very lively and active opposition. Their is a peculiar melancholy good nature prevailing, which, I suppose, is due to the period of the session, to the condition of members, and perhaps to the expectations that are before them away from this House. But whatever the reason may be, I do not think that there is much fight in the opposition to the third reading of the Bill. Let the House consider what that means compared with where we stood two years ago. It is only eighteen months since we came into office, and we have been able to carry this Bill to this point, and that is something to have accomplished. Of course, we do not claim for a moment anything like completeness or finality for a Bill such as this. Legislation of this kind must be judged by its fruits. It is undoubtedly experimental, and if experience shows flaws they can be dealt with in due time. But what we claim is that a broad, bold, comprehensive scheme has been put forward for an urgent, vital national necessity. We often hear in these debates and elsewhere the English land system spoken of as a time-honoured system. Undoubtedly it is often forgotten that it is almost unique on the face of the earth. It does not exist in any other country. That alone is enough to make one pause a little. But when it is claimed for it that it has succeeded—and I am not blind to the many merits of that system—you must put it to the test; and when you consider its effect upon the tillers of the soil, I do not think that you can say that it has been as successful as is claimed. If you test it by the drain of population, by the poverty, by the emigration overseas, by the stagnation in many country districts, I think it is evident that there must be something wrong. I am afraid that the evils have been not only quantitative, but qualitative. It is the young and the enterprising who go, and the feeble and the less competent who stay; and there is a tendency, therefore, to impoverishment, both physical and moral. These evils, I think, are such that we must not expect that any scheme, however deftly constructed, and however hopeful its authors may be, can have very rapid effects. In many cases, I fear, in this country the labouring classes have ceased to believe that any betterment of their lot is to be brought about by any legislation such as this; and as for those qualities of self-reliance and independence and enterprise which are essential to the reconstruction of society, where reconstruction is required on a healthy basis, we must only hope that they will be recreated and built up again by the changes which we have proposed. What we have thought to be our duty from the first was not to effect these things—because we cannot profess to have that power—but to give an opportunity for their being effected. That much, at all events, we claim for this Bill. The needs of the people—I cannot dwell on it too forcibly—are not to be estimated by imports and exports, but by distribution and physical condition; and even if it costs a good deal to benefit them by schemes such as this, it will be a good investment. What does this Bill do? It brings together local control and central control. It uses State credit and State initiative on the one hand, and local machinery on the other hand; and that I believe to be the very best arrangement that you can have. Voluntary and mutual effort is also enlisted in the shape of co-operative societies, without which the aim would not be easily attained. There has been one thing which has been much before the country in the last ten days, and on which I must say a word, and that is the apparent enormity of dealing in one way with Scotland and in another way with England; and though we are on the English Bill, it is just as relevant to prove that England differs from Scotland as to show that Scotland differs from England. I saw in a leading journal the other day a thing which made me smile. It said in a leading article—

> "The differentiation of Scotland from the remainder of the United Kingdom is inconsistent with the policy of Unionism."

Then it went on to say that the present Government was committed to the policy of Unionism. That seemed to me odd. What they meant was that something had been said about nothing being done in the nature of Home Rule during this Parliament. I never said it, if it has been said. Surely that does not make us Unionists, and we remain as strongly as ever in favour of the other mode of arranging matters. But putting that aside, there is this assertion that we ought not to differentiate between the two countries; and listening to the speeches that are made one would suppose that there is no difference in the sentiments and needs of the different parts of the United Kingdom. Scotland is subject to a different administration and to a different system of laws; and almost invariably is legislated for separately. Are we to be told that when the Irish Land Bill of 1881 was under discussion—the Bill of which the right hon. Gentleman has such a vivid recollection—it ought to have been applied to England? I do not think the right hon. Gentleman would go as far as that. The differences that we make are that in the case of England we enlist the co-operation of the local authorities, and in the case of Scotland we work from the centre. Purchase is the method in the one case, and hiring in the other. But these differences are not large. Scotland is already in possession of a going machine in the shape of small holdings worked from the centre and worked by hiring and not purchase, and with a Land Court to fix rents. It has had that for twenty-five years, and under that existing machinery there are some 20,000 small holdings. It was, therefore, the wisest thing to adopt that machinery that has worked so well and to extend it to other districts in Scotland, which are not in many cases so different from the original scene of operations. But in England we found no such machinery to our hand. We found a derelict Act under which 200 acres have passed to small cultivators, and we had, therefore, to construct new machinery. After all that has been said, that is the fundamental reason of the difference between the two Bills; and of the two Bills I can answer for it that the people of Scotland, who are in favour of this legislation at all, prefer the other Bill. I think it is desirable to bear that in mind when it is so often thrown at our heads that we are legislating on different principles in one country and the other. With regard to the tenure laid down under this Bill, there is no fixity technically, but in practice the tenant will get security. Instead of holding from private proprietors and being dependent on their good will, the cultivator will hold from a public authority and, subject to good cultivation and the payment of rent, there will be no motive or desire to prefer one tenant to another; and still less will there be any desire to move a man off the ground for any personal reason.

MR. JESSE COLLINGS: There is no security in the Bill.

SIR H. CAMPBELL-BANNERMAN: Yes. Here is a statement made by Lord Lansdowne in another place, which, though most Members know of it, it is not unprofitable to read again—

> "Surely what gives reality to ownership, what makes it a valuable and precious thing to many people, is that we have hitherto associated with it the power of guiding the destinies of the estate, of superintending its development and improvement, and, above all things, the right to select the persons to be associated with the proprietor in the cultivation of the soil."

I have no desire to suggest any evil disposition or purpose, action or course of conduct, to the owners of the soil as a rule, but they are human, after all, and the right of selection of which Lord Lansdowne speaks naturally involves the right of removal. Over and above that, the tenants under this Bill will have all the advantages of the safeguards already in existence, including those under the Act of last year, which, I think, I heard complained of as excessive. Security, in fact, is the keynote of the Bill, and the keystone of the situation. Actual ownership, the right hon. Gentleman the Member for Bordesley says, is preferable. Is it? What are its drawbacks? They are very obvious. The much larger capital expenditure, to begin with, acts as a bar. Then there is the question of mobility, and the third thing is the liability to get into debt and to fly to mortgage. When you talk of dual ownership of land I do not know what form of dual ownership can be compared for badness and mischief to the dual ownership of the owner and the mortgagee. As to the general mechanism of the Bill, I would only say this, that we think we have, by the ingenuity of my right hon. friend and his advisers, devised a system of transfer swift, inexpensive, and safe. The partnership established between the central and the local authorities which ensures against loss, is also an important point. The Government are most anxious for the co-operation of the county councils and believe it will be secured, but, on the other hand, it is impossible, in a question of such national moment, to leave the last word with them, and, therefore, large powers of initiative, of independent experiment, and, in the last resort, of action in default, have, necessarily, as I think, been vested in the central authority. What harm will this do to the farmers? I believe as a class they will benefit in many ways. They will have more labour, they will have openings for their own sons—not an inconsiderable boon—they will have the circulation of new blood and new ideas. And as to the landlords, they are guarded at every point so far as regards their pecuniary interest. I think we may congratulate the Party opposite on having accepted the principle which the Member for West Birmingham once spoke of as "that blessed word compulsion." I trust that they may see that it cannot be mischievous with reference to hiring if it is not so with regard to purchase. I cannot see that there is more original sin in the one process than in the other. Everyone knows that compulsion will very seldom be required, because there is plenty of land available by voluntary action, but it is necessary to have compulsion in the background, in reserve, although in a vast number of cases voluntary action will suffice. That is all I have got to say as to the details of the Bill. We believe that this will not only be a step in the direction of progress, not only a long step towards better organisation, a more advanced development of our resources which we have on public platforms and elsewhere announced our intention of securing as far as we could. We hope to secure this, and, at the same time, we believe that a larger settlement on the soil will bring forth good fruit in the shape of healthier and sounder life in the rural community. These are objects which, experience tells us, cannot, in all probability, be obtained so long as the land is fenced off from the great majority of the inhabitants of the country districts, whose lot it has hitherto been to till the soil for the profit or pleasure of others. I hope I shall not be told that such a sentiment is equivalent to provoking or implying a war between classes. After all, there are worse things than a war between classes. An order of things in which one class regulates the life, apportions the toil, provides or assumes to provide, the homes, and, it may be, on occasion, the opinions of another class—that is a worse thing than a class war, and I believe that the present condition of our agrarian system is responsible for much of that class submission and subserviency and want of independence which undoubtedly exists. If anyone is so foolish as to fan the flame of class war, or to suppose that the reform of a particular system is an attack on persons, and can only succeed by fanning passion and prejudice, there is, amongst our countrymen, thank goodness, a fund of good sense, good nature, and good feeling which will speedily stop any tendency in that injurious direction. The danger of arousing strong and bitter feeling on this subject rests not with the Government nor with this House. The right hon. Gentleman, before he sat down, referred to the future career of this Bill in another place. It is necessary to say, and to say quite plainly, that a complex and nicely balanced mechanism, such as this measure, cannot be rudely altered in any of its parts without endangering the whole. The acceptance of any alterations calculated to impair the efficiency of the scheme will have this effect. This Bill has been conducted by my right hon. friend, not only with a conciliatory spirit and a charm of manner and an ability which we all admire, but also with a conspicuous desire to be perfectly fair to all parties; and in that sense, without derogating at all from its title to be called a bold and far-reaching Bill, it is a moderate Bill, and it offers no scope or margin for those operations with which we have become only too familiar. In saying this I am making no threat, nor am I addressing any appeal to the other House. I am simply stating an obvious fact. Great indeed will be the responsibility of that House if by any hasty, partisan, or interested action they derange this great instrument which has been devised and approved by the House of Commons for meeting one of the most urgent of the problems which our nation has to face.

MR. CHAPLIN said he wished to ask the Speaker's ruling on a point of order. He had not risen before because he did not wish to interrupt the right hon. Member. The right hon. Gentleman had quoted from a speech made by Lord Lansdowne in the House of Lords in the last few days, but he found that the following rule still stood in the Manual of Procedure—

> "A Member while speaking on a question must not refer to any debate in the House of Lords."

He asked the Speaker's ruling on this, because it seemed to him that if this were allowed it would grow to be regularly permitted and might be highly inconvenient in consequence.

*MR. SPEAKER: The right hon. Gentleman has referred me to the rule set out in the "Manual of Procedure of Public Business of the House of Commons." That rule to which he refers contains also the note—

> "It is not always easy to enforce this rule."

In my view the rule stands thus: If an hon. Member enters into a controversy with regard to something that has been said in the other House, and endeavours to reply to a speech made in the other House, that would clearly be out of order, and very undesirable, because the noble Lord, not being present here, cannot answer or explain any quotation which may be made. But I do not think the rule can be carried out in its entirety, because it might, under certain circumstances, become not only very desirable but absolutely necessary to refer to a statement made in the other place—such as a statement upon some great question of policy or a statement by a Minister giving a concession with respect to a Bill. I think it would be mere pedantry on our part if we were to insist on closing our own mouths, so as not to be able to refer to that fact at all. Therefore we must observe a certain amount of elasticity and allow to the Chiar some discretion in administering the rule.

Question put and agreed to.

Bill read the third time and passed.

QUALIFICATION OF WOMEN (COUNTY AND BOROUGH COUNCILS) BILL [LORDS].

Considered in Committee.

(In the Committee.)

[Mr. EMMOTT, Oldham, in the Chair.]

Clause 1 :—

DR. SHIPMAN moved to amend Clause 1, by striking out the prohibition placed upon a woman from being elected as chairman of a county council or mayor of a borough.

Amendment proposed—

"In page 1, line 8, to leave out from the the word 'woman,' to end of line 9, and to insert the words, 'if elected as chairman of a county council or mayor of a borough, shall not, by virtue of holding or having held that office, be a justice of the peace.' "—(*Dr. Shipman*).

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. JOHN BURNS replied that the Government were willing to accept this Amendment, because its object was to restore the Bill to the form in which it was originally introduced.

Amendment agreed to.

Clause 1, as amended, agreed to.

Clause 2 agreed to.

MR. DUNN (Cornwall, Camborne): moved the following clause—

"A married woman, although not entitled to be registered on the local government register of electors or the list of burgesses, shall nevertheless be entitled to be a councillor or alderman of any county or borough, if she has, for the whole of twelve months preceding the election resided in such county or borough."

He said his object, in moving the clause, was to prevent a very serious anomaly which would exist if the Bill were passed in its present form. Under the Bill, while a married woman could sit on the County Council for London or upon any Metropolitan Borough Council, because she was a married woman she was excluded from sitting on any county or borough council outside the metropolitan area. That was never seriously intended, and it was to alter that state of things that he proposed this clause. His clause simply provided that, where a married woman resided, and had resided for twelve months within a borough or county, as the case might be, that residence should qualify her for a seat upon the borough or county council. He could hardly see what real objection there could be to such a proposal. He was confident that no one, for a moment, would desire to exclude a married woman from sitting upon a governing body of this sort. It had been said that this clause was, in a measure, one which would tamper with the registration laws, but it was nothing of the kind. Not a single vote would be given to a married woman, on account of its insertion, because it simply dealt with the right of sitting on these councils. The present Bill not only excluded from specified councils a married woman living at home with her husband, but excluded her if she was separated from him. Her husband might be at the other end of the world, and yet she was disqualified simply because she was a married woman. Might he point out how the law would work under the clause he proposed? A woman might be doing good municipal work upon some London borough council. She was married, and he would assume that she removed to a distance in the country. She would there be unable to carry on that good work she had been doing in London because she was not qualified to sit upon an exactly similar municipal body to that on which she had been working before. He would take a large urban district council in a town of some considerable size. Suppose a woman had been doing good work upon that body, and that district became so important that a charter of incorporation was given to it, and it became a municipal borough. Because of the municipal *status* given to that urban district council, this woman, who had done good service, must cease to be a member of it, and would be excluded from any further service for that locality in which she lived. It might be said that at present franchise was the basis of qualification, but that was not so. For these reasons he begged to move.

New clause—

"A married woman, although not entitled to be registered on the local government register of electors or the list of burgesses, shall nevertheless be entitled to be elected a councillor or alderman of any county or borough if she has for the whole of the twelve months preceding the election resided in such county or borough."—(*Mr. Dunn.*)

Brought up, and read a first time.

Motion made, and Question proposed, "That the clause be read a second time."

*THE PARLIAMENTARY SECRETARY TO THE LOCAL GOVERNMENT BOARD (Dr. MACNAMARA, Camberwell, N.) said that this Bill had purposely been drawn very moderately, and raised none of those acute problems which had been disturbing Party politics recently. It did not raise the question of woman franchise at all. It simply provided that where a woman had the right to vote for the creation of a local authority, on that authority she should have the right to sit if she got elected. To have gone beyond that at the present juncture would have rendered their efforts abortive. At the present time women could sit on some 9,000 local authorities including urban and district councils, boards of guardians and parish councils. There were, however, about 500 county and town councils and metropolitan borough councils upon which women could not sit. To go beyond what they had now proposed at this stage of the session would, he was perfectly confident, endanger the passing of the whole Bill, and therefore, as a matter of irresistible expediency, they were bound to resist this Amendment. He thought, however, that it would only be courteous to his hon. friend to examine his Amendment upon its merits. The Amendment asked that, voter or no voter, a married woman should be eligible for election to county councils and borough councils for which she was not at the present time eligible. That was a new and a remarkable departure. Moreover, he did not think they could find in local government in this country many cases where a person, not being an elector, could seek to sit upon a local authority. He was not quite sure whether the proposition that a person who did not possess the ordinary qualification should have the right of being elected to a public body was not anti-democratic.

MR. DUNN said that that was the case at the present time with regard to boards of guardians, parish councils, district councils, and county councils upon which they proposed to put women.

*DR. MACNAMARA said he was inclined to think that it was anti-democratic to proceed upon those lines.

MR. J. WARD (Stoke-on-Trent): Certainly not.

*DR. MACNAMARA said that this Amendment would create a new anomaly, and they had quite enough anomalies already. Under the Amendment a widow or spinster having no qualification would not be eligible for election to a local body, but a married woman would. His last objection to the Amendment was that it might render a married woman eligible for election whilst her husband was not, and that would create a preference against the man which was not desirable. Supposing a married couple came into lodgings twelve months before an election for a local authority, and those lodgings were under the control of the landlord, in that case under the Amendment the wife could be elected on the council, but, as the Amendment would not extend to the husband, and as he would have no other qualification, he could not be elected. He admitted that the whole question of the local government franchise required overhauling, but that could not be done now, and he suggested to his hon. friend that he should allow them to get what they could on this question.

MR. ARTHUR HENDERSON (Durham, Barnard Castle) said the hon. Gentleman had pretty well admitted the position which had been taken up by the supporters of the Amendment, especially with reference to the necessity for overhauling the whole of the local government franchises. He would like to know whether, in the event of the Amendment being withdrawn, the overhauling to which the hon. Gentleman referred was likely to take place within a reasonable time. If he was not prepared to give a promise on that matter, would his Department be prepared to give sympathetic consideration to a private Member's Bill next session to carry out the object which the Amendment had in view? He held that the language of the Bill was misleading, and that it did not carry out the statement contained in the first line that women should not be disqualified by sex or marriage.

Mr. HOLT (Northumberland, Hexham) hoped some favourable reply would be given to the question of the hon. Member for Barnard Castle. He fully shared the disappointment which had been expressed by his hon. friend. He could not understand the objection to accepting the Amendment. He did not wish to imperil the passage of the Bill, but he thought they were entitled to get a sympathetic assurance from the Secretary to the Local Government Board that the disqualification of which they complained would be removed at an early date.

Mr. J. WARD said he believed that it was on the lines suggested in the new clause that they should move in recognising the rights of women. In his opinion married women were more entitled to consideration than any other sort or condition of women. He did not like the suggestion that they were likely to lose the Bill if they gave married women an opportunity of sitting on these bodies and taking a share in the administration of municipal affairs. He did not think such a thing was likely to occur in any circumstances, and the House should not abstain from giving this moderate privilege to married women through the fear that the institution at the other end of the building might put itself up against them. The House of Lords would think twice before they opposed the Commons on a moderate suggestion of this kind. He deprecated the idea that the mere possibility of its being rejected in the other House should prevent Members doing what they considered to be their duty to married women, who were the mothers of the race. He trusted that the President of the Local Government Board would give the House some hope that he would do something in the direction of the Amendment. If the hon. Member for the Camborne Division took the matter to the division, he would support him, because he thought it would be lowering the flag altogether to abstain from doing a thing through fear of what the Lords might do. He was convinced that the common sense of the country was in favour of the passing of the Amendment, and he hoped that the House would do its duty on that occasion.

*Mr. LEIF JONES (Westmoreland, Appleby) expressed the hope that the Government would accept the Amendment. It had been said that it raised acutely controversial issues. He submitted that it did not raise such issues. The franchise question could not arise on this Amendment unless it was dragged in. The Amendment was not controversial from the point of view of supporters of the Bill, for almost everybody who was in favour of the Bill at all was in favour of the Amendment in principle. He thought the Government were resisting the Amendment from a fanciful fear of what might happen somewhere else for which he could see no justification. His impression was that if any women ought to sit on these bodies married women from their experience of life were probably the best fitted to serve. Not to take the opportunity of the passing of the Bill to make married women eligible was, in his opinion, to waste an opportunity which was ready to the hand of the Government. The Government had not told the House why it should not be done or given any evidence that there would be any danger in accepting the Amendment. A residential qualification was already in force in respect of district and parish councils. At present married women might sit on these and other boards, and it was only rational, obvious, straightforward and not in the least dangerous in extending the privilege to make it applicable to married and unmarried women alike. He trusted that the Government would reconsider the matter and accept the Amendment.

Lord R. CECIL (Marylebone, E.) said he was a very strong supporter of the Bill, and he entirely agreed with the general proposition that it would be the greatest possible pity to exclude women merely because they were married. He admitted that he had a little difficulty about the form of the Amendment as it stood. He felt there was a great deal of force in what was said by the Secretary to the Local Government Board that it would not do to put married women in a better position than their husbands or single women. He suggested that the clause should be amended so as to provide that "if but for her marriage she would be entitled to be on such register." He thought that marriage in itself should be no longer a disqualification for being elected a councillor or alderman of any county or borough. As he understood, the object of the Amendment was to put women outside London in the same position as those in London. There might be difficulties in putting married women on the register, but there should be no greater difficulty than in putting unmarried women upon it.

*DR. SHIPMAN hoped that married women would soon be able to sit on borough or county councils, but if the Amendment were carried by removing one anomaly another would be created. In the case of District Councils, the alternative qualification of residence was open to all, whether women or men. Here it was proposed to confine it to married women alone. That would be unfair to spinsters and widows as well as to all the men, and would, therefore create a fresh and worse anomaly. He hoped the Amendment would be withdrawn, in order to ensure the passage of the Bill through the other House. The Amendment would touch the whole electoral law of the country, and that could not be faced at this period of the session. He represented the largest body of women interested in this subject—the Women's Local Government Society. Some of them were the ablest women in the country, and had given the greatest thought to the question. They had come to the conclusion that the great value of the Bill was that it recognised the principle of direct representation as against co-optation. They felt that it was better to get this Bill now and leave other anomalies to be removed by another measure. He promised that he would bring in a Bill himself if the Government did not care to do so to remove all those anomalies, so that there should be no difficulty in married women in the future being able to sit on county and borough councils.

MR. SILCOCK (Somersetshire, Wells) joined in the appeal that the Amendment should be withdrawn. A question had been asked as to what was the difficulty in accepting the Amendment, but the short debate upon it had shown that it was not so simple as it seeemed to be. The women interested in the question had issued a special appeal asking that they should give their support to the Bill as introduced by the Government and that hon. Members should put on one side their prejudices in order to secure the passage of the Bill as it stood.

VISCOUNT MORPETH (Birmingham, S.) said that the Government were always brandishing in this House what might be done in another place. It had been stated that if this Amendment were accepted the Bill would be rejected by the House of Lords. But there was no reason to believe that the House of Lords were anxious to take on spinsters and widows and not married women. The Government, with its record majority, had had no scruple in keeping hon. Members up all night to pass other Bills, and he did not see why they should not grapple with this question as a whole instead of pushing an imperfect and piecemeal Bill. To be perfectly frank, he did not pretend to be a great friend of the Bill, but he did not intend to vote against it, and would probably vote for it. If the Bill was to be passed, he would be glad of married women being treated equally with spinsters and widows. It was an invidious matter to talk about giving offence to married women. To his mind, married women might be more competent than unmarried women. He saw no advantage in passing a Bill which was supposed to remove disabilities and yet left in existence a disability so glaring and unjust as was contained in the Bill. He complained that the Government were always trying to get imperfect legislation accepted by expressing fears of what might happen in another place.

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. JOHN BURNS, Battersea) said that the noble Lord accused the Government of some inconsistency in complaining of the action of another place and illogically of their not bringing in a complete Bill in this particular session of Parliament. He could not recognise any inconsistency except on the part of the noble Lord who complained that Parliament was overworked and had sat longer this session than it should have done. The noble Lord was evidently favourable to the compromise and had gone the length of saying that he would probably vote for the Bill although he did not particularly like it. What was the position of the Government? Here they were on 16th August endeavouring to redeem a pledge which they had given at the general election, and they were within four or five days, or at the outside a week of the rising of Parliament. They could not better celebrate what they all desired than by uniting in this compromise, especially when he told hon. Members that if this Bill were amended in the direction suggested by the hon. Member for Appleby it would be lost. The Bill had been already mutilated in another place, which could not be taken as a sign that its passage would be facilitated if it were amplified. He could assure the hon. Member for Appleby that if he was in favour of a bigger Bill for reforming the municipal and Parliamentary franchise, as he himself was, he was setting to work the wrong way by asking the Government to accept this Amendment at such a time of the year and in raising questions which introduced large controversial points. The Women's Local Government Society, composed of representative women of all classes and conditions, had issued a circular to Members asking them to give their support to the Bill so that its passage should not be imperilled by any Amendment. He thought that these women, both married and single, were very sensible, and he would say to the hon. Member that sufficient for the day was the goodness thereof. The Government considered that the goodness of the Bill, even as it stood, was sufficient without subjecting it to the danger of further mutilation, or absolute defeat in another place. The Bill, if passed, would probably give 1,000 women during the next twelve months an opportunity of dignifying themselves and in assisting by service for the community through their election on public bodies, in the elevation of their neighbours. If projects with those objects were submitted to the House the Government would look at them sympathetically and endeavour to grapple with the problems raised in a satisfactory manner. They wished, however, to get this Bill through the House with the sympathy of hon. Members, and he would appeal to the hon. Member to withdraw his Amendment and enable the Government to pass the measure through the House without an Amendment of this sort, which would seriously imperil its passage. The Government could not accept the Amendment as it would be fatal to the passing of the Bill this session.

Mr. DUNN said that in response to the appeal which had been made to him he wished to withdraw the Amendment, as he realised the difficulties which were before him. He wished to say, however, that he did not do that because of any fear of what might happen in another place. They had already that morning entered into controversy with that other place in regard to mayors of large municipalities and chairmen of county councils. He had no particular love for the other Assembly, but still he did not think for one moment that if they amended this Bill in this particular there would be any objection there to its principle. Besides, supposing the Amendment were now adopted, the Lords could say that they did not agree with the Commons in the said Amendment, and then they could consider whether they would insist upon it. It was not, therefore, from any fear of the House of Lords that he did not insist upon the Amendment, but because an appeal had been made to him by the Government and because he knew that he could not carry the Amendment against the Government. He therefore asked leave to withdraw.

Amendment, by leave, withdrawn.

Mr. HARMOOD-BANNER (Liverpool, Everton) said he wished to move a clause to the effect that this Act should not apply unless the Local Government Board had on the application of any county or borough, by order in such a manner as the Local Government Board directed, declared that the Act should be enforced in the district of the county or borough. The hon. Member said that in moving this clause he did so for the purpose of giving the various local authorities the opportunity of adopting the Act in the shape in which it now stood, and the form he had used followed that of the Public Health Act. There was no doubt that there were various Members of the House acting in favour of the Bill who did not understand that the country did not care a bit about it. There had not been a petition in its favour, and notwithstanding the fact that the other night he had ventured to oppose the Bill he had not received a single remonstrance about his action, but had received communications from many of his municipal friends quite approving with the step which he had adopted. It appeared to him that hon. Members took the circumstances of small localities and applied them to such large centres of population as Manchester, Birmingham, and Liverpool, knowing nothing about the circumstances of those cities. They compared them with district and parish councils and considered that the same set of provisions were applicable to both. Those great cities, however, were as important in their administration and in the funds with which they dealt as many countries in the world, and they should not have measures of this kind forced upon them. Therefore, he moved the Amendment to make the Act adoptive and he appealed to the right hon. Gentleman to consider this question and not to force this Act on the municipalities. Of course it was said that they would not be forced, but still it was a shame to put them in a position which they had never asked for. He yielded to no one in his admiration of women in the various departments of life, but he objected to their being brought in to the rough and tumble and turmoil of political and municipal life. There were spheres in which they could do good work and in which one was willing to welcome them. But while on the one hand there was a tendency to take women away from many of the duties which for many years they had carried out, say, at pit brows and so forth, on the other hand there seemed to be a tendency to create them managers of those works in which they refused them the opportunity of being participants. That seemed to him to be an entirely improper method of dealing with the question, and he thought municipalities should be given the option of adoption. If they liked, under his Amendment they could adopt this Act or they could leave it alone. He thought, however, those who honoured women should have the choice of allowing them to remain as they were and of being above the rough and tumble and turmoil of human life in regard to these bodies.

New clause—

"That this Act shall not apply unless the Local Government Board has, on the application of any county or borough, by an Order to be published in such a manner as the Local Government Board may direct, declared this Act to be in force in the county or borough."—(*Mr Fell.*)

Bought up and read a first time.

Motion made, and question proposed, "That the clause be read a second time."

Mr. JOHN BURNS said he was sorry that the Government could not accept the clause, because they did not think that this matter should be dependent upon the transient mood of a local authority. He declined to subject women to the passing caprice of unstable mankind.

Mr. HARMOOD-BANNER said that his amendment was drawn upon the lines of the Public Health Act in regard to its adoptive principle.

Mr. JOHN BURNS said that did not affect his argument. They had no experience of the adoptive principle such as this. The hon. Member did him the honour of passing the Amendment to him and the moment he looked at it he saw that he could not accept it. Moreover, he did not think that any woman would accept public life under the conditions which the clause laid down, and therefore he could not accept the Amendment.

Amendment, by leave, withdrawn.

Bill reported as amended, to be considered upon Monday next.

QUALIFICATION OF WOMEN (COUNTY AND TOWN COUNCILS) (SCOTLAND) BILL [Lords].

Considered in Committee.

(In the Committee.)

[Mr. Emmott (Oldham) in the Chair.]

Mr. J. D. WHITE (Dumbartonshire) made an Amendment which he said would restore the Bill to the form in which it was originally presented in another place, enabling women to be elected to the chairmanship of county councils and to be provosts of burghs if the people elected them to fill these positions, and subject to the necessary safeguards.

Amendment proposed—

"In page 1, line 13, after the word 'appeal,' to insert the words 'or (*b*) if elected as chairman of a county council or provost of a burgh, by virtue of holding or having held that office be a justice of the peace or burgh magistrate, or be eligible for election, or for acting, as a burgh magistrate, or as a judge in any police court; provided that where a woman is elected as provost of a burgh the number of bailies to be elected in the burgh shall while she holds office as provost be one more than the number otherwise fixed by law, and any additional bailie so elected shall hold office for the period prescribed by the law regulating the office of burgh magistrate or bailie, subject to the provision that he shall in no case continue to hold office after the woman has ceased to hold office as provost."—(*Mr. J. D. White.*)

Question, "That those words be there inserted," put, and agreed to.

Bill reported; as amended, to be considered upon Monday next.

BUTTER AND MARGARINE BILL.

Lords' Amendments considered.

Dr. COOPER (Southwark, Bermondsey) said that if Clause 2 had been inserted in the Bill when it came before this House it would have created a good deal of objection. It sought to give power to the Local Government Board to regulate the amount of preservative to be added to butter, margarine, and milk-blended butter. The Departmental Committee which considered this matter had before it a large number of witnesses, of whom a large number were medical officers for health, and they all strongly objected to the use of any preservatives in butter at all. They opposed the use of either boracic acid or formaline. The addition of formaline was a very serious thing, because it gave life to milk-blended butter, that it would not otherwise have. It was on these grounds that he moved to leave out the words "or for limiting the extent to which, either generally or as regards any particular substance or substances, preservatives may be used in the manufacture or preparation for sale of butter, margarine, or milk-blended butter."

Amendment not seconded.

Lords' Amendments agreed to.

CONSOLIDATED FUND (APPROPRIATION) BILL.

Considered in Committee.

(In the Committee.)

[Mr. Emmott (Oldham) in the Chair.]

Clause 1 agreed to.

Clause 2:—

Mr. BOWLES (Lambeth, Norwood) said he desired to move an Amendment providing that the Treasury should repay moneys borrowed on Treasury Bills within three months. The point was a very simple one. If the Amendment was added to the Bill, it would put it back into the position in which Appropriation Bills always stood. Before 1902 the Treasury were forced by this provision to repay any money borrowed on Treasury Bills together with the interest every quarter, or, if necessary, they could borrow again. The provision was got rid of in that year on the ground that there was economy to the country in allowing the Treasury to borrow for more than three months at a time. That could not, however, now be said. The price of money at the present moment was as high as it was likely to be for some time, and therefore to borrow for a longer period than three months would be less economical by reason of the probable fall in the price of money. Therefore he begged to move.

Amendment proposed—

"In page 2, line 3, at the end, to add the words 'And the Treasury shall repay the moneys so borrowed with interest not exceeding 5 per cent. per annum out of the growing produce of the Consolidated Fund, at a period not later than the next succeeding quarter to that in which the said moneys were borrowed.'"—(*Mr. Bowles.*)

Question proposed, "That those words be there inserted."

THE FINANCIAL SECRETARY TO THE TREASURY (Mr. RUNCIMAN, Dewsbury) said that if the suggestion was that the Government should revert to the old system, he might point out that the Treasury were not compelled to borrow on Treasury Bills. He did not think it was at all necessary that this addition should be made to the Bill, because in any case they were not likely to adopt the most expensive system of borrowing money. At the present time the market was jumping up and down, and it was not desirable that this addition should be made. He hoped the Amendment would not be pressed.

Amendment, by leave, withdrawn.

Clauses 2 and 3 agreed to.

Clause 4:—

MR. BOWLES moved the deletion of this clause on the ground that it was not only a new feature, but because it made a change in our financial system of far-reaching importance. The clause really went a long way to complete the destruction of the appropriative power of the House as the only real security over public finance, a power which had been steadily encroached upon by successive Governments, successive Chancellors of the Exchequer and successive Houses of Commons. The clause referred to Schedule B which appropriated the expenditure for the year. If hon. Members turned to the Schedule of the Navy Vote, for example, on page 89, they would see that the Navy Vote gave two separate sums, one the grant and the other the appropriation-in-aid, and there was an express direction to the Treasury and everybody concerned in the expenditure of this money that in respect to each of these Votes the total should not be exceeded. He need not press the question of the vital importance of the House keeping intact financial control. The control of the House was only secured by the fact that instead of handing over the money in bulk to the Department or to the Minister, each Vote was appropriated to certain purposes. During the last forty years the House had built up a great machinery of control and every halfpenny of the money voted the Treasury had to account for. If the control was to be kept real neither of these sums ought to be exceeded, and in so far as that rule was departed from, so far was Parliamentary control defeated. In the case of the Army and Navy, a special power was given to the Treasury in cases of emergency to depart from the strict appropriations of Parliament, by using the savings on one Vote to defray expenditure on another. The real effect of that was that the amount of these thirteen Votes on page 89, £31,500,000, though appropriated to separate Votes, might be spent in any way the Treasury thought fit, so long as it was spent for some urgent purpose, and so long as the expenditure was made out of the savings on some other Votes up to the present moment. That power of pooling all the money granted to separate Votes into one total and allowing the Treasury to do with it as it pleased, was subject only to the check of requiring an indemnity in the next Appropriation Act, and, as that Act was passed in the last days of the session, the check was illusory.

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fifeshire, E.) said the hon. Member had forgotten that the Public Accounts Committee could challenge the expenditure.

MR. BOWLES: A long time afterwards.

MR. ASQUITH: Before the House assents.

MR. BOWLES said the assent of the House was given on the Appropriation Bill passed in the middle of August. His point was that the right hon. Gentleman was going to extend this power far beyond the point to which he was entitled to extend it. He was going now to extend it beyond the supply grant to appropriations-in-aid.

MR. ASQUITH: That is no novelty.

MR. BOWLES admitted that it was no novelty in practice, but it certainly was in law. If hon. Gentlemen turned to page 9 of the Bill they would find the total sum granted was £31,500,000, and the appropriation-in-aid for the naval service was £1,500,000. This appropriation in aid was made up of receipts which came to hand during the year owing to the Admiralty selling off old ships' stores and so on, and the Admiralty was allowed to take it as an appropriation - in - aid. Supposing the Admiralty received £2,500,000 from that source instead of £1,500,000, then the right hon. Gentleman proposed that the extra £1 000,000, which they had never voted and knew nothing about, should, instead of being paid into the Exchequer, be used as an appropriation-in-aid.

MR. ASQUITH: It was the practice of my predecessor.

MR. BOWLES said it was a practice which the right hon. Gentleman knew was not justified by the law. The reason why the old clause in this Bill was not good enough was that it did not allow the right hon. Gentleman to do what he now proposed to do. If the Admiralty received £1,000,000 more than it estimated it would, that £1,000,000 was to be kept by the Admiralty to be spent as the right hon. Gentleman pleased. It need not be spent on urgent matters. It might be spent in order to make good other bad estimates of appropriations-in-aid. The right hon. Gentleman proposed that that money was to be kept in the Department and spent. The result was that £1,000,000 less would be issued from the Exchequer, and the effect would be to give the Treasury power over more money in one year than the House had voted, or than it was suggested the House should vote. The right hon. Gentleman could not defend that on the ground that Parliamentary appropriation was unfettered. He would not attempt to do so. But he would defend it on the ground that it made no particular difference, that the surrender to the Exchequer was exactly the same, and that the old sinking fund was not affected; that it was a mere matter of foolish pedantry and of no significance to raise such an objection to this clause. That might be the view of the right hon. Gentleman, but it certainly was not the view of the Comptroller and Auditor-General, as stated in very plain language before the Public Accounts Committee. That gentleman was asked on this very point if there was anything in the change that had been made here, and whether as a result the amount paid into the old sinking fund had been increased, and he replied that in his opinion the practice might lead to the fund available for the old sinking fund being less in one year, or it might be increased more than Parliament intended it should be increased; he further said that in the year 1899 it happened that money was not used for the sinking fund which Parliament intended should be so used. This was a matter which the House should take seriously into consideration. The right hon. Gentleman said that the proposal made no difference at all. If that was so, what was the object and value of the clause? If everybody was exactly where he was before, why not surrender the money the moment the amount was ascertained? The Treasury had plenty of money for all purposes, and this money came as a windfall into the Department. Why was the right hon. Gentleman so anxious to keep it in the Department if it was all the same? It ought to be paid into the Exchequer where it was due. It appeared to him that the real reason for not surrendering these fortuitous receipts to the Treasury was that adherence to the old rule would bring to light that there had been bad estimating. Hitherto the House had had security for appropriations-in-aid in the Votes, but if this proposal became law they would be entirely giving up all effective power over appropriations in aid in regard to naval and military expenditure, and what they would really be doing would be to hand over a block sum to the Treasury and the Department which might be spent within the year, subject, of course, to an Act of Indemnity. If the right hon. Gentleman desired to do that, he had nothing more to say, except that it was a mistake to increase without any necessity the power of the Treasury, and thereby decrease the effective control of this House over expenditure.

MR. RUNCIMAN pointed out that exactly the same process which was prescribed here had been followed ever since 1892 under various Chancellors of the Exchequer, and had received the approval of Parliament, and until this year it had never been called in question. As the hon. Gentleman had said, there might be loose transactions, but there were no fewer than five occasions on which those transactions could be examined, on each one of which anything that was irregular could very easily be stopped, though he admitted it could not be rectified. What the Treasury urged was that none of the Departments concerned in these transactions had done anything irregular.

MR. BOWLES asked what was the object of the Government, if this clause made no difference, in making this large change in the form of the Appropriation Act?

MR. RUNCIMAN said that some doubt was felt by members of the Public Accounts Committee, by the Comptroller and Auditor-General, and even by the Chancellor of the Exchequer himself, as to the interpretation which might be placed on the old Clause 5, and it was to set those doubts at rest that this clause was brought forward.

Mr. Bowles asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 5:—

MR. BOWLES moved to leave out certain words which, he said, ratified and gave the assent of the House to an action which was not denied by the Treasury to be illegal.

Amendment proposed—

"In page 3, line 25, to leave out from the word 'whereas' to the end of line 26."—(*Mr. Bowles.*)

Question proposed, "That the words proposed be left out stand part of the clause."

MR. ASQUITH said he was very glad to have the opportunity of making some kind of *amende* to the hon. Gentleman, whose zeal in this matter had been most praiseworthy. The hon. Gentleman had discovered—he thought it was very much to his credit—he would not call it a flaw, but a possible flaw, in the law which had gone on for fifteen years, under he did not know how many Chancellors of the Exchequer and subject to the scrutiny of a distinguished relative of the hon. Gentleman himself, who, so far as he was aware, never put his finger on this particular flaw. He thought it was only a fair recognition of the service the hon. Gentleman had rendered to the cause of financial purity that they should in deference to him omit these words. [At this moment Mr. WHITELEY held a whispered conversation with the right hon. Gentleman.] He hoped the hon. Gentleman would allow him to withdraw that offer, for it was necessary, in order to avoid a Report stage, that there should be no Amendments. The words would be retained in the clause, but they would never reappear and no harm would be done. He hoped the hon. Gentleman would be content with the acknowledgment he had made.

MR. BOWLES asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Clauses 5, 6, and 7 agreed to.

Schedule agreed to.

Bill reported, without Amendment; to be read the third time upon Monday next.

PUBLIC HEALTH (REGULATIONS AS TO FOOD) BILL.

As amended, considered.

Motion made and Question proposed, "That the Bill be now read the third time."

LORD BALCARRES (Lancashire, Chorley) said the President of the Local Government Board had introduced one Amendment at the request of Members of the Opposition in order to meet their views. In the opinion of a good many persons this Bill would create a great deal of anxiety, because the department would have power to make by-laws to enable them to enter into every private kitchen or larder in the country. He had had a conference with the right hon. Gentleman in which he had explained certain matters to him, but he did not wish to detain the House by going into those matters, as the Patronage Secretary appeared to object to all speeches from the Opposition side of the House.

THE PARLIAMENTARY SECRETARY TO THE TREASURY (Mr. GEORGE WHITELEY, Yorkshire, W.R., Pudsey): I do not think the noble Lord has the slightest justification for that remark.

LORD BALCARRES said he would content himself by asking the right hon. Gentleman to give the House the same assurance on the Third Reading that he had given to him in private.

*MR. JOHN BURNS said the noble Lord had appealed to him to add to what he stated on the Second Reading when he gave an assurance that the Local Government Board would exercise the power and authority of this Bill with circumspection and with every consideration for the interests affected. The reason why he asked for these wide powers was that the evils with which this Bill was concerned were so serious and had reached such a stage that public opinion very properly demanded from his Department that it should grapple with the importation, storage, preparation, and distribution not only of unsound food, but of some kinds of food which were sound until they reached some of the stages of preparation when so-called preservatives and deleterious ingredients were applied to them from which the public had a right to be protected. This power could not be given to the Local Government Board in a statutory form passed in clauses through this House; it must take the form of regulations made from time to time by the Board itself on the authority and recommendation of its competent medical staff. He had assured the noble Lord and hon. Members on both sides of the House that these regulations would be carefully drawn. Consideration would be shown to all the classes affected compatible with their responsibility to the consumer and the public, who required to be protected to a greater extent from unsound food than they had been in the past. In the enforcement of these regulations they would see that even-handed justice was done against the wrongdoer from whatever country he might come. The Bill was welcomed by the local authorities, the honest manufacturers, and genuine producers, and as to the other class he did not think they ought to exercise much concern. Under the Bill it would be impossible for some interests to get from officers capricious or partial action, and anything the Board could do to frustrate that kind of thing would be done. The Bill was absolutely necessary, more particularly when they remembered that some of our Colonies made such a fuss about sending to this country only the best goods which were produced, under all sorts of stringent conditions and regulations which they had already commenced to withdraw. He had also heard from countries which were not British Colonies that the so-called regulations had already lapsed and were being administered with considerable laxity. Forty-three millions of people had a right to be protected from that sort of thing, and the poor looked to him to save them from the evils of unsound meat. He could only accomplish that by such regulations as he now asked the House to empower his Department to draw up. If the regulations made caused any irritation, he would be very pleased at the end of six or nine months to consider the best way of removing the irritation.

Question put and agree to.

Bill read the third time, and passed.

JUDICATURE (IRELAND) BILL.

Order for the Third Reading read.

Motion made, and question proposed, "That the Bill be now read the third time."

MR. CHARLES CRAIG (Antrim, S.) said it would not have been necessary for him to detain the House on this occasion had he been allowed a few minutes in the debate on the Committee Stage. This Bill had had a very chequered career. It was introduced at the beginning of this year, and when it came before the House a few days ago, as appeared to be the case with nine-tenths of the Bills which had been brought forward at this period of the session, they were informed that it was an agreed Bill, and was to go through without discussion. He entirely declined to accept the Patronage Secretary's view as to what was an agreed Bill. If any arrangement was made between the two front benches to allow the Government to get certain Bills his view was that any person who had any legitimate criticisms to make should be allowed to make them. On condition that they should be allowed to discuss the Third Reading they acquiesced in the agreement not to discuss it last night. The operation of reducing the number of Judges in Ireland had been going on ever since 1877, and in 1887 and subsequently he understood that a number of vacancies occurred which were not filled up. The question whether there was any immediate necessity now for reducing the number of Judges was a very open one. The Bar Council and the Incorporated Law Society were of opinion that the present number of Judges, was only just sufficient to keep pace with the amount of work which had to be done. There were only nine Judges, and as two were needed for every circuit there ought to be a minimum of ten. Two or three years ago a vacancy occurred, and the Unionist Government stated that they did not intend to fill it up, and that the money saved would be utilised for the purposes of the Labourers Act. That arrangement was acquiesced in by the predecessor of the present Chief Secretary, who told the House that he intended to carry out that pledge and that he would not fill up this particular vacancy. In the early part of this year the Chief Secretary came down to the House from Ireland and announced that, owing to what he described as the extraordinarily congested state of affairs which existed in the Land Commission Department, it was absolutely necessary without further delay to make Mr. Dodd, who was at that time a Member of the House, a Judge, for the purpose of dealing with the enormous number of appeals pending before the Land Commission, He thought it was very interesting to look back now on the language used on that occasion by the Chief Secretary. He said—

> "He was happy to say that the new Judge was well qualified for his post. The whole urgency of this matter rested on the necessity of getting rid of these arrears in fair rent appeals. In this matter he would describe himself as a middle-aged man in a hurry to settle the land war in Ireland by working the Land Purchase Acts at what might be described as the high-water mark of Treasury complacency. . . Applications had been made for large sums of money, but because of judicial delay 7,000 fair rent appeals were pending in the Court, and unless these appeals could be settled, and settled quickly, the tenants of Ireland would be wearied to the last degree with the delay . . . It was with the object of disposing of this congestion that Serjeant Dodd had been appointed. This had been called a job, but he did not care what it was called so long as the work was done . . . Therefore the most that could be alleged against the Government was that the operation of economy had been suspended in the face of a great public emergency."

It would be seen from this that the ostensible and strongly urged reason for the appointment of Mr. Justice Dodd was that the Land Commission Court had come to an absolute deadlock on account of the large number of rent appeals still pending. The Land Purchase Act of 1903 was in the Chief Secretary's opinion in immiment peril by reason or the enormous aggregation of work undisposed of. If that were so, one would have expected that Mr. Justice Dodd would have devoted his official time to dealing with these arrears of appeals, which was the avowed object of appointing him. And one would have imagined also that since the Government had now brought in a Bill to reduce the number of Judges by two, there would have been no necessity for Mr. Justice Dodd to be put to the ordinary work of the High Court. The other day a question was asked what Land Commission work Mr. Justice Dodd had actually performed, and how far he had assisted in reducing this terrible mountain of appeal cases which was supposed to be blocking the way. The reply was that—

> "Mr. Justice Dodd has disposed of 372 appeals, but the number is very much larger, many cases having been withdrawn or settled. Up to 1st inst. the learned Judge had sat in the King's Bench Division on twenty-two days. He also went on circuit as Judge of Assize. Mr. Justice Dodd is at present the Vacation Judge, and he will also preside at the Commission at Green Street for the trial of criminal cases. These duties fall to him in consequence of his appointment as a Judge of the High Court."

The sum and substance of the reply was that Mr. Justice Dodd had spent five-sixths of his time in the High Court and not in the Land Commission Court, from which circumstance they were entitled to assume, notwithstanding that the Chief Secretary had said that the appointment was urgent, because of the arrears of business in the Land Court, that the work of the High Court was more urgent than the work of the Land Court. Mr. Justice Dodd was appointed to meet a grave crisis according to the Chief Secretary, he was to devote his whole energies and time to clearing off the arrears in the Land Court, and yet when once on the Bench he was quietly allocated to other work which was in all probability of a more urgent character. Yet in the face of these facts, they were asked to pass a Bill which said that the next two vacant Judgeships in Ireland should not be filled up. He submitted that the Government were themselves debarred by their action from putting forward any such argument. They had the fact that Mr. Justice Dodd instead of being used for this urgent purpose had been used, presumably, for a more urgent purpose, namely, the purpose of carrying on the ordinary legal work of the Judges of the High Court. In face of their action in this matter, he did not see how the Government were justified in making this reduction. But he believed that this determination on the part of the Chief Secretary to reduce the number of Judges was resorted to simply from a desire to facilitate the work of the Land Act of 1903 and the Labourers Act. He had to cast about for money with which to carry out those Acts, and did not very much care where it came from. He looked in all the corners he could think of and took money where he could find it, and apparently some brilliant person had pointed out that probably they could save several thousands of pounds by doing away with two Judgeships. He (Mr. Craig) had not thought at the time that there was any justification for the reduction of the number of Judges, and he believed that no justification existed now. He thought that the action of the Government and the Chief Secretary in appointing Mr. Justice Dodd showed plainly that they themselves did not think that the number of Judges at present was too great for the proper discharge of the duties which fell to the High Court of Justice in Ireland. He did not intend to force the House to a division on the Third Reading of the Bill, but he must enter his protest against what he considered a most irregular, or at least a most peculiar, proceeding on the part of the Government when they appointed Mr. Justice Dodd, for the reasons which they said necessitated that appointment.

Question put, and agreed to.

Bill read the third time, and passed.

ISLE OF MAN (CUSTOMS) BILL.

Considered in Committee, and reported, without amendment; read the third time, and passed.

PUBLIC WORKS LOANS [REMISSION, ETC.].

Considered in Committee.

(In the Committee.)

Resolved that it is expedient to authorise the extension of the period for the repayment of certain Loans made by the Commissioners of Public Works in Ireland, and to authorise the remission of a debt due to the Public Works Loan Commissioners from the Cullen Harbour Commissioners, in pursuance of any Act of the present Session, to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans.—(*Mr. Whiteley.*)

Resolution to be reported upon Monday next.

PRIZE COURTS BILL [LORDS].

Read a second time.

Bill committed to a Committee of the Whole House for Monday next.—(*Mr. Attorney-General.*)

RULE COMMITTEE BILL [LORDS].

Order for second reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

LORD R. CECIL said that this Bill was a very small matter, and he did not propose to detain the House with regard to it. The intention, he understood, was to have two solicitors on the Rule Committee instead of one. In place of the President of the Law Society they proposed to appoint one member of the Council of the Law Society and one provincial member of the Law Society. That was a matter which had been settled with the solicitors, and he did not criticise it in any way. Might he suggest, however, for future consideration, whether it would be desirable to make provision with reference to a barrister's being a member. He suggested that it would be a better plan not to make him a member of the Bar Committee, but that the barrister should be on the nomination or recommendation of the Bar Committee. He thought that such an arrangement would be more likely to secure the best kind of man for this particular work.

THE ATTORNEY-GENERAL (Sir JOHN WALTON, Leeds, S.) said he would consider the matter.

Question put, and agreed to.

Bill read a second time, and committed to a Committee of the Whole House for Monday next.—(*Mr. Attorney-General.*)

Whereupon Mr. SPEAKER, pursuant to the Order of the House of the 26th day of July last, adjourned the House without Question put.

Adjourned at sixteen minutes after Seven o'clock till Monday next.

[APPENDICES.

APPENDIX I.

PUBLIC BILLS

DEALT WITH IN VOLUME CLXXX.

Those marked thus * are Government Bills. The figures in parentheses in the last column refer to the page in this volume. "[H.L.]" following title indicates that the Bill originated in the House of Lords.

(A.) HOUSE OF LORDS.

Title of Bill.	Brought in by	Progress.
*British North America	*Earl of Elgin*	Royal Assent 9th August (485)
*Butter and Margarine	*Earl Carrington*	Committee 8th August (224) Report 9th August (564) Read 3^a and passed 12th August (771)
*Council of India	*Marquess of Ripon*	Read 1^a 7th August (53) Read 2^a 15th August (1562)
*Criminal Appeal	*Lord Loreburn*	Committee 8th August (235) Report 12th August (767) Read 3^a and passed 16th August (1771)
*Education (Administration Provisions)	*Earl of Crewe*	Read 1^a 13th August (948)
*Employment of Women [H.L.]	*Earl Beauchamp*	Royal Assent 9th August (485)
*Evicted Tenants (Ireland)	*Earl of Crewe*	Committee 9th August (487) Committee 12th August (681) Report 15th August (1515) Read 3^a and passed 16th August (1777)
*Evidence (Colonial Statutes)	*Earl of Elgin*	Read 2^a 8th August (222) Committee } Report } 12th August (767) Read 3^a and passed 14th August (1273)
Fatal Accidents (Damages)	*Lord Courtney of Penwith*	Committee } Report } 8th August (271) Read 3^a and passed 9th August (564)

(A.) HOUSE OF LORDS—*continued.*

Title of Bill.	Brought in by	Progress.
*Finance	*Marquess of Ripon*	Read 2^a 7th August (16) Read 3^a and passed 8th August (285) Royal Assent 9th August (485)
*Lights on Vehicles	*Earl of Donoughmore*	Report 12th August (770) Read 3^o and passed 15th August (1561)
*Marriage with a Deceased Wife's Sister	*Lord Tweedmouth*	Read 1^a 15th August (1514)
*Married Women's Property	*Lord Loreburn*	Read 3^a and passed 7th August (53)
*Matrimonial Causes Act Amendment	*Lord Loreburn*	Royal Assent 9th August (485)
Merchant Shipping Acts Amendment	*Lord Ampthill*	Read 3^a and passed 8th August (233)
*Merchant Shipping (Tonnage Deduction for Propelling Power)	*Earl of Granard*	Read 2^a 14th August (1259) Committee 15th August (1571)
*Patents and Designs	*Earl of Granard*	Read 1^a 14th August (1273)
*Patents and Designs (Consolidation)	*Earl of Granard*	Read 1^a 14th August (1273)
*Post Office Sites		Committee 7th August (53) Report 8th August (222) Read 3^a and passed 9th August (487)
*Prisons (Ireland)	*Lord Denman*	Read 2^a 12th August (770) Committee Report } 15th August (1561) Read 3_a and passed 16th August (1816)
*Probation of Offenders (No. 2)	*Earl Beauchamp*	Committee 7th August (53) Report 8th August (294) Read 3^a and passed 9th August (564)
*Public Health	*Lord Allendale*	Read 2^a 8th August (277)
*Public Health (Scotland) Amendment [H.L.]	*Lord Hamilton of Dalzell*	Read 3^a and passed 7th August (53)
*Released Persons (Poor Law Relief)	*Earl Beauchamp*	Read 3^o and passed 8th August (294)

(A.) HOUSE OF LORDS—*continued.*

Title of Bill.	Brought in by	Progress.
*Salmon and Freshwater Fisheries	*Lord Allendale*	Consideration of Lords Amendments 8th August (275)
*Sea Fisheries (Scotland) (Application of Penalties)	*Lord Hamilton of Dalzell*	Read 2ª 14th August (1273)
*Small Holdings and Allotments	*Earl Carrington*	Read 1ª 16th August (1816)
*Small Landholders (Scotland)	*Lord Loreburn*	Read 1º 9th August (564) Second Reading 13th August (948) Second Reading (adjourned) 14th August (1202)
Small Shops for Shop Assistants	*Earl of Wemyss*	Read 1ª 7th August (54)
*Vaccination	*Lord Allendale*	Committee 8th August (285) Report 13th August (948) Read 3ª and passed 15th August (1561)
*Vaccination (Scotland)	*Lord Hamilton of Dalzell*	Committee 7th August (52) Report 8th August (274) Read 3ª and passed 9th August (564)

(B.) HOUSE OF COMMONS.

Title of Bill.	Brought in by	Progress.
*British North America	*Mr. Churchill*	Royal Assent 9th August (565)
*Butter and Margarine	*Sir E. Strachey*	Lords Amendments considered 16th August (1897)
*Cabs and Stage Carriages	*Mr. Gladstone*	Read 2º 7th August (203)
*Companies [H.L.]	*Mr. Lloyd-George*	Read 2º 8th August (465)
*Consolidated Fund (Appropriation)	*Mr. Asquith*	Read 2º 15th August (1623) Committee 16th August (1898)
*Education (Administrative Provisional)	*Mr. McKenna*	Report 12th August (899)
Education (England and Wales)	*Mr. Higham*	Read 1º 15th August (1622)
*Employers' Liability (Insurance Companies)	*Mr. Kearley*	Read 2º 7th August (197)

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Employment of British Subjects Abroad	*Mr. Crooks*	Read 1° 15th August (1622)
*Employment of Women [H.L.]	*Mr. H. Samuel*	Royal Assent 9th August (565)
*Expiring Law Continuance	*Mr. Runciman*	Read 1° 13th August (1075)
*Finance	*Mr. Asquith*	Royal Assent 9th August (565)
Irish Land (No. 2)	*Mr. Cherry*	Read 2° 8th August (452) Committee 15th August (1747)
Isle of Man (Customs)	*Mr. Runciman*	Read 2° 7th August (201) Committee, Report, Read 3° and passed } 16th August (1910)
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*Marriage with a Deceased Wife's Sister	*Sir B. Gurdon*	Report 14th August (1423)
*Matrimonial Causes Acts Amendment [H.L.]	*Sir J. Walton*	Royal Assent 9th August (565)
*Patents and Designs	*Mr. Lloyd-George*	Report 9th August (645) Report 13th August (1169)
*Patents and Designs (Consolidation)	*Mr. Lloyd-George*	Committee 13th August (1194)
*Prize Courts [H.L.]	*Sir J. Walton*	Read 2° 16th August (1911)
Public Health Act (1875) Amendment (Water Rights)	*Mr. L. Jones*	Read 1° 14th August (1320)
*Public Health (Regulations as to Food)	*Mr. J. Burns*	Committee 15th August (1721) Report 16th August (1904)
Public Health (Scotland Amendment)		Read 1° 15th August (1622)
*Public Works Loans	*Mr. Runciman*	Read 1° 12th August (808)
*Qualification of Women (County and Borough Councils) [H.L.]	*Mr. J. Burns*	Read 2° 12th August (927) Committee 16th August (1885)

Title of Bill.	Brought in by	Progress.
*Qualification of Women (County and Town Councils) (Scotland) [H.L.]	*Mr. Sinclair*	Read 2° 12th August (941) Committee 16th August (1896)
*Rule Committee [H.L.]	*Sir J. Walton*	Read 2° 16th August (1911)
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*Small Holdings and Allotments	*Mr. Harcourt*	Report 12th August (808) Report 13th August (1075) Report 14th August (1320) Read 3° and passed 16th August (1827)
*Small Landholders (Scotland)	*Mr. Sinclair*	Report 7th August (102) Report 8th August (352) Read 3° and passed 9th August (578)
*Vaccination	*Mr. J. Burns*	Read 1° 15th August (1621)
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APPENDIX II.

HOUSE OF COMMONS, SESSION 1907.

List of Rules, Orders, &c., which have been presented during the Session, and are required by Statute to lie for an appointed number of Days upon the Table of the House.

In Continuation of List given in previous Volume.

Title of Paper.	Date from which the Period runs.	Period to lie upon the Table.
Factory and Workshop Acts (Dangerous and Unhealthy Industries),—Copy of Regulations made by the Secretary of State for the Home Department in pursuance of Section 79 of The Factory and Workshop Act, 1901, for the process of heading of Yarn dyed by means of a lead compound [1 Edw. VII., c. 22, s. 84]	14 August	40 days

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PARLIAMENTARY DEBATES

[AUTHORISED EDITION].

TWELFTH VOLUME OF SESSION 1907.

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Where in the Index * is added with Reading of a Bill, or a Vote in Committee of Supply, it indicates that no Debate took place on that stage of the Bill, or on that Vote.

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  - *Qs.* Mr. Gretton, Sir F. Banbury; *As.* Sir E. Strachey, *Aug. 15*, 1608, 1609.

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- Education (Administrative Provisions) Bill, *Con.*, *Aug. 12*, 908, 921.

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- *Secretary of State*—Rt. Hon. R. B. Haldane.
- *Parliamentary Under-Secretary*—Earl of Portsmouth.
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- Administrative Staff Training—Date of Presenting Report.
  - *Q.* Sir W. J. Collins; *A.* Mr. Haldane, *Aug. 13*, 1050.
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  - *Q.* Mr. Crooks; *A.* Mr. Haldane, *Aug. 14*, 1289.

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- Belfast Dock Strike, Use of Troops, etc., *Aug. 15*, 1674.
- Consolidated Fund (Appropriation) Bill, 2R., *Aug. 15*, 1656, 1674.
- London Electric Supply Bill, 2R., *Aug. 7*, 186–188.
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- Education (Administrative Provisions) Bill, *Con.*, *Aug. 12*, 908.
- Small Holdings and Allotments Bill, *Con.*, *Aug. 14*, 1340.

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